

and by Sree Sooro Sujraj Misser and
Chunder Seeker Opedee on the part of
Maharajah Sirmanu Jode Bikram Sah
Bahander Shumsheer Jung, in virtue of
the powers to that effect vested in
them by the said Rajah of Nepal, —
2nd December 1815

THE SILENT CRY

Whereas war has arisen between the
Honourable East India Company and the
Rajah of Nepal, and whereas the parties
are mutually disposed to restore the
relations of peace and amity, which
previously to the occurrence of the late
differences, subsisted between
the two states, the following terms of
peace have been agreed upon.

THE PEOPLE OF NEPAL: 1816-39

LUDWIG F. STILLER, S. J.

Article One

There shall be perpetual peace and
friendship between the Honourable East
India Company and the Rajah of Nepal.

SAHAYOGI PRAKASHAN

Article Two

The Rajah of Nepal renounces all
claims to the lands which were the

THE SILENT CRY

**THE PEOPLE OF NEPAL:
1816-1839**

by

LUDWIG F. STILLER, S. J.

Senior Research Associate

Human Resources Development Research Center

**SAHAYOGI PRAKASHAN
TRIPURESHWAR KATHMANDU
NEPAL**

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**TO
MY BROTHERS**

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PREFACE

The Silent Cry is the story of the people of Nepal during a trying period of adjustment and searching for new goals. This story, as I have told it in these pages, begins with the Treaty of Sagauli in 1816 and continues through to the death of Bhim Sen Thapa in 1839.

This 1816–39 period, so formative in the history of today's Nepal, has been largely untouched by historians. To be sure, Mahesh C. Regmi has given us a penetrating analysis of the economic developments in these years, and Ramakant has studied the vagaries of the East India Company's relations with Bhim Sen Thapa. Then, too, there is the biography of Bhim Sen Thapa prepared by Chittaranjan Nepali, who touches, at least obliquely, on the events of these years. For the rest, however, the period has been largely unexplored.

My own interest in this period developed even as I wrote the last chapters of *The Rise of the House of Gorkha*. I had entered so deeply into the spirit of the times, that I faced the sudden and disturbing realization that the Treaty of Sagauli was a beginning rather than an end to Nepal's time of troubles. I asked myself at that time what the impact of Sagauli must have been on the fortunes of the nation whose birth and growth I had so long studied and tried to interpret. Five years of research followed, as I sought answers to that question. The result is *The Silent Cry*.

I have tried to tell the story that unfolded during my research as directly as I could. Besides recording the major events of the period, I have tried to realize that the people of nineteenth century Nepal were real people with emotions and aspirations as meaningful to them as my own are to me. To completely identify with them was not possible. The demands of my own times, as well as our present need to learn specific lessons of the past, insisted that I approach this period with the questions and modalities of today. This is, of course, the lot of every historian. Within these limits, however, I have tried to be as objective as I knew how to be.

The Silent Cry is divided into four parts. Chapters one through three provide an analysis of the situation prevailing in Nepal at the time of the Treaty of Sagauli (1816). In chapters four through six, I have studied the movements towards greater internal unity at the regional and village level in Nepal as well as the obstacles that hindered that growth. Chapters seven through nine explore the dialogue that took place between the central administration in Kathmandu and 'village Nepal' and explain the administration's failure to respond to the needs of the simple people of Nepal. In the last chapter I have restated the major themes of *The Silent Cry* and tried to explain the nuances of this title.

A book such as *The Silent Cry* cannot be the work of only one man. I am deeply indebted to many, many friends for their encouragement and their assistance. Anyone who studies the footnotes I have added to the text will have some inkling of the debt I owe Mahesh Regmi. I might add here that the *Bhim Sen Thapa Documents* I refer to in the notes are a special collection within the Regmi Research Collection, which Mahesh has very kindly permitted me to use.

The Institute of Nepal and Asian Studies of Tribhuvan University and the National Archives of India have both been major supports of my work. I would like to express my thanks here to the dedicated men and women who staff these institutions. So also I must thank the staff of the Tribhuvan University Library and the librarians of the Goethals Library at St. Xavier's College, Calcutta. My own Jesuit colleagues at the Human Resources Development Research Center, patient and forbearing during the less human moments of the gestation period, have contributed beyond their knowing and beyond my own power to thank them. There are also those who deserve my most special thanks. Dr. Prayag Raj Sharma, Professor Yadu Nath Khanal, Dor Bahadur Bista, and Robert Rieffel patiently read through the text and offered me excellent suggestions. They will see in the pages that follow how carefully I have tried to incorporate their suggestions. The unsung heroes at St. Xavier's who read through the typescript to root out typists' errors, Frs. Donnelly, Starr, and Brooks, all deserve my deepest thanks. I owe a special vote of thanks to my long-suffering research assistant, Miss Jaya Karky, for her painstaking checking of

the documents used in preparing the quantitative analysis referred to in chapter seven. Her dedication to the cause made sense out of my most extravagant hypotheses, and her courage in reporting findings regardless of their impact on my theoretical structures was a credit to her own skill as a research historian.

While sharing with so many such credit as *The Silent Cry* may merit, I must accept the faults in the study as my own. No matter how helpful others prove to be, in the final analysis the historian must bear the full responsibility for his analysis of events. This I willingly do. The reader will be well aware that my conclusions are far from a final statement of the events of the "silent years". I hope he will be equally aware that 'the silent cry' chronicled in these pages is not the dying echo of the distant past but a challenge to all of us today to realize that we are in truth our brother's and sister's keeper.

Kathmandu, 25 June 1976

CHAPTER ONE

SAGAULI

The active season has terminated in the loss to the enemy of half of the geographical extent of his empire, comprehending the most valuable part of his possessions, with the curtailment in the same proportion, of his military strength and resources.¹

Sagauli is a sleepy town in north Bihar some twenty miles south of the Nepal border city of Birgunj. A tiny cluster of shops and a railway station. There is little to commend it today, and the average traveller hastens through with scarcely a pause, unless a tired freight train shuffles across the highway-crossing and halts the flow of traffic for what seems an interminable wait in the sun. It is hard for anyone to imagine that this town ever had any claim to historical pretensions, and the Nepali traveller may be excused if he, too, dismisses it without the slightest flicker of interest. But, tired, dusty, and forlorn as Sagauli may appear today, it still has given its name to one of the great turning points in the history of Nepal.

It was at Sagauli in November 1815 that British and Nepali commissioners sat down to negotiate the end of the Nepal-East India Company war. In the process they produced the Treaty of Sagauli, which put an end to Nepali expansion and, with minor adjustments, drew the boundaries of today's Nepal. It also left such an impression on the socio-economic life of Nepal that it is impossible to understand much of what has followed in the history of Nepal without considering the influence of this treaty.

Observers today show little surprise at the fact that there was a war between Nepal and the British. Almost everyone else in the subcontinent did; why not Nepal? Unfortunately, they tend to see such a war as quixotic. To them it seems obvious that Nepal was hopelessly outmatched and the results predictable. But, as is so often

1. Bikrama Jit Hasrat, *History of Nepal: as Told by Its Own and Contemporary Chroniclers* (Hoshiarpur, Punjab, 1970), p. 284, the governor general to the Court of Directors.

the case in history, hindsight has been severely limited by the course of subsequent events. The nineteenth century growth of the East India Company into the greatest power in the subcontinent obscures the fact so well known to every historian of the subcontinent, that there was a time when the East India Company's power was young and when, with a concerted effort, its growth could have been cut short.

The war between Nepal and the East India Company is difficult to bring into sharp focus. It has been given scant attention in the classical texts of Indian history largely because it did not bring Nepal within the administrative ambit of the government of India. British historians of India were for the most part concerned with administrative history, and Indian historians tended to concentrate on the birth and development of the Indian national movement.² The few historians who touched on the war treated it as a brief interlude in the history of India and have chosen to comment on it, if they comment at all, because of the light the war shed on the character of the Marquess of Hastings, governor general of the East India Company at the time, rather than for its own merits.³

More recent studies have made a serious effort to understand and explain the causes of the war as well as its significance in the development of Nepal-India relations. It is clear now that the war was not at all quixotic and that Gorkhali troops gave an excellent account of themselves before being forced to the negotiation table. True, they lost territory, but their prestige as fighting men was enhanced, and they preserved their heritage of independence.

This new appreciation of Nepal's role in the war has proved to be very soothing for the growing sense of Nepali nationalism, but it too has failed to discern and discuss a critical aspect of the war and the peace that followed. How, it must still be asked, did this war and the peace of Sagauli affect the quality of life in village Nepal?

2 C. H. Philips, ed., *Historians of India, Pakistan, and Ceylon* (Oxford, 1961), pp. 404-28.

3 Cf. in particular Henry T. Prinsep's two books: *A Narrative of the Political and Military Transactions of British India under the Administration of the Marquess of Hastings, 1813-20* (London, 1820); and *A History of the Political and Military Transactions in India during the Administration of the Marquess of Hastings, 1813-23* (London, 1825); as well as E. Thornton, *The History of the British Empire in India* (London, 1843.)

The Nepal–East India Company war is now history, of course, and no amount of discussion will change the results. However, the war and the peace of Sagauli still have much to teach us about the Nepal we know today. While it is true that today's forces are marshalled not against the East India Company but against poverty, disease, and the entrenched conservatism of rural Nepal, the mistake is to assume that there is no connection between the one and the other. We can fully understand the problems of today only when we know them in their origins, and this forces us to go back through the pages of history, to re-fight and re-live the war and all that it implied. Only then can the full trauma of the Treaty of Sagauli be understood.

A. THE NEPAL–EAST INDIA COMPANY WAR

In the years prior to 1814, the defense of Nepal rested on three solid supports. The first of these was the terrain itself. Not only were the Himalayan foothills, where most of the fighting was to take place, uniquely difficult, they were unknown to the British. British generals were ignorant of the trails through the Tarai forests as well as the passes through the Himalayan foothills, and this introduced a note of deep uncertainty into their strategy.⁴ More important, the men of the line had no experience in mountain warfare of the type the Himalayas imposed. Secondly, there was the courage and tenacity of the Gorkhali soldier, whose spirit was nourished by a record of brilliant successes over a period of more than fifty years. And thirdly, there was the very real possibility that a stout Gorkhali defense would encourage the Marathas and Sikhs to throw their military resources into the fray against the British and broaden the theatre of war.⁵

4 See Foreign Political Consultation, 15 January 1813, No. 46.

5 See Ludwig F. Stiller S. J., *The Rise of the House of Gorkha* (Ranchi, 1975), pp. 339–41, for a more detailed discussion of this point. As John Pemble, *The Invasion of Nepal: John Company at War* (Oxford, 1971), p. 49, has remarked: '... Hastings's policy was motivated principally by a sincere fear that unless the British acted first, the native states would combine and drive the Company from India. Only paramountcy could pre-empt destruction. This way of thinking made it impossible for Hastings to treat the Nepalese encroachments as mere isolated border incidents. He interpreted them as the symptoms of a profounder and more insidious disturbance: the first stirrings of a concerted crusade among the Hindu states....'

On the other hand, the resources of the East India Company were considerable. Their communications were far more flexible than that of the Nepalis. They had larger and better equipped armies. And, most of all, they had in their artillery both better guns and greater skill in their use.

In the first round of fighting, from 31 October 1814 until April 1815, the Nepalis taught the British a few hard facts about war in the hills. Their courage under attack, as illustrated at Nala Pani, their marksmanship, and their resourceful use of terrain dealt the troops of the East India Company a series of five painful reverses. This accumulation of Nepali successes was almost enough to convince the Marathas and Sikhs that the proposed alliance against the British was more than feasible.⁶

The Marathas had been convinced from the beginning that there was value in such an alliance, but prudence prompted them to stipulate that they would join forces with the Nepalis only if the Sikhs also did so. Ranjit Singh, who controlled the Sikh nation at that time, had not been overly impressed by Nepali military leadership when he was first asked to join the alliance, and so he had hedged.⁷ But the early Nepali successes in the war were sufficiently impressive to urge him to consider the possibilities of such an alliance in a far more favourable light.

The governor general, the Marquess of Hastings, had anticipated the possibility of unrest in the plains of India during the time when his

6 The slowness with which Ranjit Singh reacted to this opportunity, as well as the Marathas' reluctance to move without extra assurances, is eloquent testimony of the poor communications between Indian princes, their awe of British arms, and their own simple distrust of one another. That the opportunity was ripe is apparent from the observations of Henry T. Prinsep, secretary to the East India Company government, *Narrative*, p. 47, '...had one other important check occurred in the months of January or February (1815), it would probably have embroiled us with the whole of the native courts.'

7 Kathmandu's overtures to Ranjit Singh had been handled by Kazi Amar Singh Thapa. Captain F. V. Raper, 'Narrative of a Survey for the Purpose of Discovering the Sources of the Ganges', *Asiatik Researches*, 11 (1812): 501-2, states that Sansar Chand had refused to negotiate with Kazi Amar Singh Thapa 'who has risen from an inferior station and was of a lower caste.' The *kazi's* subsequent relations with Ranjit Singh were far from cordial. Perhaps Kathmandu should have used another avenue of approach to win over the 'Lion of the Punjab'.

troops were engaged with the Nepalis. As a precaution, he had moved the troops of the Madras and Bombay presidencies north so as to restrict any Maratha military movement in the Nagpur area.⁸ However, the possibility that Ranjit Singh might enter an alliance with the Nepalis had not occurred to him, and he had taken no special preventive measures against this. Ranjit Singh was thus free to move, and he had actually started moving towards Delhi and a commanding position behind Ochterlony,⁹ when the whole tenor of the war changed.

Major General Ochterlony, who commanded the British troops on the far western flank of Nepal, delayed his entry into battle until after he had made a careful evaluation of the Nepali defensive positions. On the basis of his observations, he devised a strategy that brought his superior artillery into play before committing his troops to a direct assault on the Nepali positions. He then out-generaled Kazi Amar Singh Thapa in the Malaon area northeast of Delhi and completely discouraged Ranjit Singh from intervening in the war.¹⁰ The assistance of the Sikhs and Marathas failed to materialize. A determined British offensive against Almora, the capital of the district of Kumaon, cut the long Nepali supply lines, and the defense of the far west collapsed. With this, Kathmandu was ready to negotiate.

Chautariya Bam Shah, the Nepali governor of Kumaon, took the initiative in starting peace negotiations. After the British capture of Almora, he had discussed with Edward Gardner the possibility of negotiations. Gardner informed the governor general, who soon after this sent a draft treaty to Gardner on the possibility that the authorities in Kathmandu might choose to negotiate through Bam Shah and Gardner. However, Kathmandu opted to continue with its regular envoy, and Gajraj Misra was sent to Sagauli to negotiate with the Bri-

8 Prinsep, *Narrative*, p. 49.

9 *Ibid.*, p. 37.

10 With the loss of Almora and Kazi Amar Singh Thapa's surrender at Malaon, there was no longer any question of Nepal's continuing the war. Ranjit Singh, whose interest had been half-hearted at best, showed no further interest after this dramatic change in the tide of war.

tish agent, Colonel Bradshaw.¹¹

There was very little that could be negotiated in the draft treaty that the governor general had prepared. He had decided to include Kumaon in the British possessions. This would give the Company a possible trade route with Tibet. In addition, he had promised large areas in the west as well as the area between the Teesta and the Mechi rivers in the east to native princes in reward for their assistance during the war. The governor general had also determined to send a permanent resident to Kathmandu. There was no room for negotiations in any of these stipulations. The remaining clause of the draft treaty dealt with the Nepal Tarai. The governor general wanted to annex all of the Tarai land up to the Churia range of hills.¹² This was what the war had been fought about. And this was the preliminary demand of the governor general. The significance of this demand, however, can be understood only against the background of the border dispute that led to the war and the importance of the Tarai to Nepal.

B. SEEDS OF CONFLICT: THE TARAI DISPUTE IN RETROSPECT

When efforts to negotiate the settlement of a border dispute between the governments of Nepal and the East India Company failed in the summer of 1814, the governor general had issued Nepal a challenge that led to war, and Bhim Sen Thapa had accepted it. Both the British challenge and the Nepali acceptance grew out of two distinct sets of facts. The first set of facts explains the cause of the dispute. The second explains why war seemed to the Nepalis to be an acceptable solution to the dispute.

The first set of facts was rooted in the nature of both the Gorkhali and the East India Company's conquests as well as in official ignorance on both sides of actual conditions in the Tarai. Neither the East India Company nor the Gorkhali had actually conquered territory in the course

11 There was some vacillation on the part of the Kathmandu administration between negotiating with the British through Bam Shah or Gajraj Misra, but Kathmandu eventually decided to work through Gajraj Misra, even though this meant negotiating with Bradshaw. See Edwin T. Atkinson, *The Himalayan Districts of the North--Western Provinces of India* (Allahabad, 1882), 2: 667-77.

12 *Ibid.*, 672.

of their expansion.¹³ They had overthrown leaders and then assumed control of the deposed leaders' governments, and the lands dependent on these governments automatically became theirs. Neither Nepal nor the East India Company had records of their own to establish their title to the lands they claimed. Each was forced to rely on the records, such as they were, of the raja whose claim they inherited as a result of their conquests. They claimed what former rajas had claimed. But no one actually knew the validity of those claims nor the precise boundaries that should be set to them.¹⁴

Along the southern Nepal border there were no clear titles. The extreme inaccuracy of the maps of the day, built up as they were from reports and hearsay, reflect the confusion that existed about the Tarai in general.¹⁵ As far as political claims were concerned, the history of the area was most discouraging. During the pre-Gorkhali period in Nepal, hill rajas regularly raided into the plains as far as they could do so.¹⁶ In reply, the rajas of the plains defended as much of their northern territories as they were able to defend and then organized their territories politically within that line of defense. The limit of the hill rajas' raids and the plains rajas' defense varied according to a number of factors, which for all practical purposes created a twenty-mile wide strip along the border whose ownership could easily be disputed. To make matters worse, this border area was infested with a very virulent form of malaria, known locally as *aul* fever, to which the local Tharu peoples alone seem to have been immune. This effectively discouraged the residence of higher ranking government authorities, and left local matters very much in the hands of local people. Border disputes between Kathmandu and the East India Company could have arisen anywhere along the Tarai border, but in fact they developed in two specific areas. In both of these areas, negotiations might have settled these disputes had the policies of either government favoured a settlement.

13 Prinsep, *Transactions*, pp. 59–67.

14 Ludwig F. Stiller, S. J., 'The Principle of Limitation', *The Nepalese Perspective*, 9, no. 7 (March–April 1974): 4–21.

15 E. g., the map of Nepal published in Francis Buchanan Hamilton, *An Account of the Kingdom of Nepal* (Edinburgh, 1819), which is typical of the maps of that day.

16 Prinsep, *Transactions*, pp. 61–62.

A peaceful settlement would have provided an ideal solution for both governments. A joint border commission had actually been appointed in 1813 to work out the terms of such a settlement.¹⁷ However, as the members of the border commission very rapidly learned, it was not the border that had to be negotiated but the basic principles adopted by either government towards the border question. And this involved a second set of facts.

The governors general of the East India Company had embarked at the end of the eighteenth century on a programme of rationalization of their administration. This was reflected not only in the reorganization of the Company's government but was also apparent in administrative measures such as the Permanent Settlement of 1793 in regard to land revenues. This same British urge to rationalize prompted a very determined attitude towards the Company's border with Nepal. The governor general felt that the proper protection of the peoples subject to the Company's government required a clearly defined and clearly demarcated boundary. The easiest way to achieve this was to establish the border along the line of the hills. Everything in the hills would thereafter belong to Nepal. Everything in the plains would belong to the Company.¹⁸ Such a border would be convenient, and, if one accepted the territorial claims of the Nawab Vazir of Avadh and the subsidiary claims of the Raja of Bettiah, a fairly strong case could be made for it. Establishing the border along the hills made sense from a military point of view as well. Though the land in question had comparatively small value to the East India Company, it had become very important to the Nepalis, for whom it formed part of the real fruit of their conquests. The lands of the Himalayas, while by no means barren, were poor in comparison to the fertile lands of the Tarai, and large sections of virgin land in the Tarai had been assigned to the Nepali *bharadars* ('nobles') and military commanders, both in

17. Foreign Political Consultations: 15 January 1813, No. 46: letter of appointment to Paris Bradshaw, dated the same day; also 9 April 1813, No. 27: letter of J. Adam, secretary to government, to Paris Bradshaw; and 15 January 1813, No. 45: letter of the raja of Nepal to the governor general, received 28 September 1812.

18 Foreign Political Consultation, 15 May 1813, No. 39: letter of the governor general to the raja of Nepal, dated 7 May 1813; and the reply to this letter, Foreign Political Consultation, 2 October 1813, No. 39.

payment and as a reward for their part in the expansion and unification of Nepal. Certain elements in the governor general's council recognized that if Nepal were deprived of her Tarai possessions, Nepal's military potential would be seriously weakened, and this, while not the main thrust of the governor general's argument, added suasion that he could hardly ignore in the settlement of the boundary question.¹⁹

The Nepal government's claim to the Tarai was based on their conviction that the rights which former hill rajas had exercised over the Tarai were real rights. In those cases where the hill rajas had exercised direct control over the Tarai this was indisputable. In other cases, however, the hill raja had owned tenure rights based on a regular payment of rent to a raja in the plains. In these cases, the Nepali claims were not always so clear. The Nepalis held, as did most people in South Asia, that tenure rights were real rights. Such tenure rights were contractual rights, analogous in many respects to modern treaty rights. They were considered valid as long as the contracting party paid the prescribed rents or until war or hostilities destroyed the trust on which they were based. Such rights had been recognized even during the period of the East India Company. Nepal, in fact, had paid tribute to the East India Company for such rights in the Makwanpur Tarai until the East India Company had signed away their claim to this tribute in the treaty of October 1801.²⁰ The Company had also clearly recognized this position in theory in the Bijayapur-Chaudandi Tarai to the east of Makwanpur, where the governor of Bengal had accepted Prithvinarayan Shah's promise to fulfil the obligations of these two kingdoms towards the East India Company on the provision that the Company did not

19 While Hastings was well aware of Ochterlony's urging that a buffer zone be built up in the west between the British and the Nepalis by forcing the Gorkhali withdrawal from the Doon territories, neither the official papers on the war (J. L. Cox, ed., *Papers Respecting the Nepaul War, Printed in Conformity to the Resolution of the Court of Proprietors of East-India Stock of 3 March 1824* (London, 1824)) nor the official correspondence reveal that this entered into the governor general's motives for going to war. Indeed, his apparent ignorance of the importance of the Tarai to Nepal, as revealed after the war, indicates that he had never truly understood Nepal's reasons for clinging to the Tarai.

20 Foreign Secret Consultation, 30 June 1802, No. 10A: treaty of October 1801, article five.

interfere in the Gorkhali military action there.²¹

It could, of course, be argued that these precedents had been set during a very confused period, when the East India Company was only beginning to exercise its mastery of north India. But this does not alter their significance as precedents. The East India Company had accepted for forty years the validity of tenure rights, and this acceptance was perfectly in keeping with the traditions of the area.

Options for a Solution

The real options open to the two governments for a solution of the disputes were very limited. First, the British government could yield its claim to the disputed territory, but this action would not further its efforts to secure a clear boundary. Secondly, the governor general could accept the line of actual occupation, but this would open the door to further disputes all along the border, where the ignorance of terrain and inaccurate maps would merely restate the same problem in a new locale. The Nepal government, for its part, could relinquish its claim, but this would encourage the British contention, already suggested in the 'principle of limitation', that the proper boundary was the line of the hills. And this was simply out of the question.

Armchair generals, both contemporary and modern, have argued that this step, the surrender of the disputed territories, was the step Nepal should have taken in the circumstances. Unfortunately, they have let their own desire for peace override their understanding of the basic issues, and they have failed to realize that neither Bhim Sen Thapa nor anyone else in Nepal at that time could have yielded on this point. In their study of the minutes of the well-known conference held in Kathmandu on 2 April 1814, these commentators have missed the key point of the conference. They have concentrated on the various arguments proposed either in favour of war or against it and made their judgments accordingly. However, the heart of the document does not lie in the arguments but in the question that the king proposed at the start of the conference:

21 Ludwig F. Stiller, S. J., *Prithwinarayan Shah in the Light of Dibya Upadesh* (Kathmandu, 1968), pp. 49-53.

Question submitted by the Raja of Nepal: Disputes exist between me and the English. The governor general has written to me that he has given orders to the Judge and Collector to establish their authority "in the disputed lands on the Gourukpoor frontier", and that he shall not think it necessary to repeat his intimation on that subject. *How then is my Raj to exist ?*²²

None of the Nepali *bharadars* present at this conference chose to comment on this aspect of the question, but concentrated rather on Nepal's chances of success, should the state decide to accept the governor general's challenge. There was no answer to the king's question. Nepal could not survive as a unitary state without the Tarai. To acquiesce in the governor general's demands on this occasion would lead directly to a further pressing home of the principle of limitation and a loss of not only the presently disputed areas but eventually the whole of the Tarai. It was the way the British had operated everywhere else in the subcontinent. There was no reason for the Nepali *bharadars* to assume that they would make an exception in this case. And to yield up the Tarai would cause far more damage to Nepal than the war with all its unpleasant consequences could possibly inflict. Continued possession of the Tarai was critical to the unity of Nepal. Without it, Nepal would once more fragment into the mini-states that had been brought together with so much labour to form the modern state of Nepal.²³ If this seems an unusually strong statement, a quick review of the events that brought Nepal to this turning point in her history will clearly show the importance of the Tarai to Nepal's survival as a nation.

C. NEPAL AND THE TARAI

The Nepal of 1814 must be seen as the logical and historical result of the systematic application of a successful unification policy

22 An English translation of the minutes of this consultation may be found in Prinsep, *Transactions*, Appendix A, pp. 457-61.

23 The political unification of Nepal began in 1744 and ended in 1809, when the Gorkhali failure to take Kot Kangra forced Kazi Amar Singh Thapa to retire to the eastern bank of the Sutlej—sixty-five years of active endeavour.

to the mini-states of the Himalayas. It has meaning, therefore, only in terms of the basic structures of Himalayan society and the structures that Prithvinarayan Shah and his successors set up to unite the hill region and to rule it. The land, the people, the economy, and the social structures remained essentially unchanged by the unification process. This may perhaps be difficult to realize, since the state of Nepal in 1814 was several hundreds of times the size of the original state of Gorkha, but it is nonetheless true. The contribution that Prithvinarayan Shah and his successors of the House of Gorkha made was twofold: first, they found a way to finance the military unification of the mini-states that had proliferated in the hill region, and secondly, they found a way to govern this new state which combined the maximum centralization of authority with the minimum interference in local autonomy. The achievement of this unlikely combination was every bit as difficult as it seems. And it is the key to understanding the nature of the Nepali state at that time. The Gorkhali solution to the problem of unification must, consequently, be seen in reference to the geopolitics of the hills, the economy of the hills, and the political structures of the hills.

1. The Geopolitics of the Hills

As modern planners have discovered, the geography of Nepal has imposed serious constraints on society and the economy. Modern technology and enormous outlays of finance have to some small degree reduced these constraints, but they are still there, the product of three great folds in the earth's crust—the Churia range in the south, the mid-Himalayas, and the Great Himalayas in the north. These three ranges would form long, east-west corridors at successively higher altitudes were it not for a further caprice of nature. The folding process has also thrust up a series of peaks all along the axis of each of these ranges. The long spurs these peaks send out to the north and south have chopped these would-be corridors into numerous valleys of different sizes, shapes, and altitudes. Nature has thus given to Nepal a land broken up into tiny pockets separated from one another by mountain barriers that discourage intercommunication. The drainage system that has resulted from the formation of these great mountain masses has added further difficulties to communication. At the same time,

these rivers bring to most of the valleys enough water to make farming along the valley floor sufficiently independent of the vagaries of the monsoon to encourage small farming communities.

These were the communities that grew into the mini-states of the Himalayas. Self-sufficient in agriculture, they developed naturally into independent states, whose separate existence was as much due to the mountain barriers that separated them as it was to the fierce independence of their rulers. This combination of geography and independent mini-states created the obstacle that unification had to surmount.

2. The Economy of the Hills

The society that evolved in these circumstances was essentially agricultural. Here and there, where the terrain favoured it, trade flourished. But for the most part, the income of the Himalayan states was derived from agriculture.²⁴ As the population grew, new fields were carved out of the hillsides, and the terracing of the mountains indicated accurately the pressure exerted on society by the combined forces of population growth and the limitation of available land. Some states did grow to the point where they included neighbouring valleys, but such growth was always along the lines of the easiest communication and was limited by the ability of the sovereign to maintain control of the more distant parts of his kingdom. As a rule, society was simple in its wants and content with what it could produce itself, supplemented in times of need by what it could acquire by barter or small amounts of cash from its neighbours. The greatest needs were salt, which is rare in the Himalayan regions, and cotton for the village looms.

The resources of the state were limited for the most part to the crops the farmers of the state produced. If there were minerals, of course, the state demanded a share in the produce of the mines, and where there was trade the normal taxes on the movement of goods were

²⁴ Even today this remains true of these Himalayan areas, despite every effort to diversify Nepal's economic endeavour. By the early 1970s dependence on agriculture had, however, been reduced to about sixty-three percent.

exacted. But the most substantial revenues were derived from the land. Throughout the hills, the state claimed ultimate ownership of the land.²⁵ Those who actually tilled the land were merely tenants, whose right to the land was derived from the regular payment of a cess of half the crop to the state. The farmer produced, as a rule, twice as much as he needed for himself and his family, plus a little more for good measure; handed over to the state half of what he produced; and lived with his family on the remainder until the next crop was harvested.²⁶ In earlier years, there had been little incentive for the farmer to cultivate more land than was necessary to satisfy his own limited needs and pay his taxes, because there was no ready market in the hills for surplus grain. Later, the steady growth of population filled the available land, and the farmer could not easily expand his holdings, even had he wanted to do so. For the most part, he was satisfied. As long as a man had land, he could provide for his family until his children were old enough to provide for him.

The alternative to work on the land lay in government service. Such favoured ones were not expected to take time from their official duties to cultivate the land and to produce their own food. Each government employee received a share in the raja's half of the crop that was roughly proportionate to the value of his services to the state.²⁷ Since most of the raja's income from tenants on the land was portioned out in this manner, the collection and distribution of the grain was expedited by assigning the income from specific fields to individual government servants, who then had the responsibility of collecting the cess themselves. Such assignments were called *jagirs*, and those who received them were known as *jagirdars*. The *jagirdars* continued to receive this income as long as they were actively employed by the state. Some few, whose services to the state deserved special consideration, were given a pension, which also took the form of an assignment of revenues from specific plots of land. These assignments, given in virtue

25 M. C. Regmi, *Land Tenure and Taxation in Nepal* (Berkeley, 1963-68), 1: 16-17.

26 This system, based on the payment of half of the crop in taxes or rents, was called *adhiya*.

27 Regmi, *Land Tenure*, 3: 2-16.

of past service, were called *birtas*.²⁸

3. Political Structures

The economics of a hill state produced a very tightly knit unit that complemented the social organization of the state. The raja at the top, of course, wielded total power, both in virtue of his kingship with its attendant right to punish as well as in virtue of his control over the land. His control over the nobility was most complete, since the nobles' wealth and prestige depended on their loyalty to the throne. In theory, his control over those who farmed the land was just as great, since without land they could not live and their tenancy on the land depended on the king. In practice, however, their ability to work the land gave them a fair measure of independence, since it lay in the raja's interest to have the land cultivated. The farmer expected to pay his taxes in grain and a tax in labour on various projects of the state,²⁹ but there were definite limits to the burdens that could be placed on him. When the burdens imposed exceeded this limit, the farmer abandoned his fields and moved to another kingdom to start life again.

Gorkha was no different from any state described here.³⁰ It had the same tightly knit society, the same limited resources, and the same geographic constraints. The great problem of the unification of Nepal lays in explaining how a state with such limited resources and with so little to differentiate it from scores of other such states could so combine resources with available manpower that it could begin on its road of conquest. Once a start had been made—once several states were conquered and their revenues appropriated—there is no problem in explaining the unification. It was merely a question of applying the same process to other conquests. Of course, once Gorkha had sub-

28 Other types of *hirta* grants existed in addition to those made for past services to the state. In this volume, however, reference is made only to this type of *hirta* grant and to *suna birtas*, which were in effect a sale of land by the crown.

29 For the sake of simplicity, I use the term *jhara* for all such labour taxes. In fact, however, compulsory, unpaid labour took many forms, each of which was known by a distinct technical term. See M. C. Regmi, *A Study in Nepali Economic History* (New Delhi, 1971), pp. 101-16.

30 Stiller, *Gorkha*, pp. 76-97.

dued Kathmandu Valley, it had superior resources and superior manpower, and was thus in a dominant position. The beginning was the great hurdle. This problem had been intensified by the various combinations of defensive alliances that had sprung up among the various states in the hills to prevent any single state from growing at the expense of its neighbours. So precarious was the balance of power, that once any state began to grow, there was little to stop it. It was thus in the best interests of all to preserve the *status quo*.

Two questions that must be answered by any study of the growth of the Nepali state are these. First, how did Gorkha manage to begin? And secondly, how did Gorkha manage to hold the kingdom together once unification was achieved? The geopolitical forces inherent in the land, society, and economy were so great that no other state had managed to preserve unity even after uniting a substantial part of the hill territories under one raja.³¹ There was a natural tendency for the Himalayan region to fragment politically along geographic lines. But the unification of Nepal initiated by Prithvinarayan Shah and carried to completion by his successors of the House of Gorkha surmounted these obstacles, and the state so created has perdured to this day. We may well ask how this was done.

4. The Gorkhali Solution

It is to Prithvinarayan Shah's credit that he was able to find a solution to both problems that was simple and as much a part of Himalayan society as the problems it was meant to solve. He recognized the hillman's great love of the land and used this to motivate his own men both to bear the economic burden of the first campaign as well as to fight that campaign with a determination that was frighteningly new in the Himalayas. He made the common soldier a *jagirdar*. The soldier's *jagir*, however, would be found not in his native Gorkha but in the conquered territories. Troops in the Himalayan districts had always been paid from *jagirs*. The normal procedure, however, had

³¹ The Malla kings of Jumla, the Sen kings of Makwanpur, and the Malla kings of Kathmandu Valley all achieved a high degree of unification, only to lose it from internal and geographic causes. See Stiller, *Gorkha*, pp. 38-48.

been to assign *jagirs* to officers who then paid their men from the income from their own *jagirs*. The average soldier thus had no direct claim to the land. In later years the Gorkhali regime itself would revert to this as a more convenient way of handling the enormous problem of land records. But initially Prithvinarayan Shah assigned *jagirs* to his fighting men directly.³² And this explains how he was able to take the first steps on the road to conquest. The army, the fighting men of the army, became his nobility.

Prithvinarayan Shah solved the second problem by carrying his initial solution one step further. The step was probably taken intuitively as the only practical way of handling the complex task of administering conquered territories. Whether the solution was the result of an involved thought process or not is academic. It worked. His solution was based on the fact that many of the hill states had a central corps of Rajputs who formed, with the raja, the upper echelon of the nobility. In many instances these Rajputs had never bothered to integrate with the local population. It was thus possible to distinguish between the ruling nobility with their interests and the local population—both farming classes and their traditional leaders—with their interests. The key to maintaining unity was to replace the upper echelon (or to enlist them in the cause); to leave local interest groups undisturbed, as far as this was possible; and to use his own military appointees to supervise local government according to broad guidelines dictated by the central government. In doing this Prithvinarayan Shah departed from the methods used by all preceding kingdoms that had attained any notable size in the hills in two significant ways. First, government was not considered a special prerogative of members of the royal family. Prithvinarayan Shah ruled absolutely, and the participation of his brothers and relatives in his rule depended directly on their loyalty to him and their willingness to subordinate their interests to the interests of the state.³³ Secondly, territorial governorships as a rule were given to military commanders whose competence and loyalty had been proved on the field of battle. These governors were merely *jagirdars*, and they

32 Prithvinarayan Shah, *Dibya Upadesh*, ed. Yogi Narhari Nath (Kathmandu, 2016 B. S.), p. 15.

33 Stiller, *Gorkha*, pp. 143–45.

were therefore subject to a regular reappointment to office, which was not forthcoming if their record showed them to have been incompetent or disloyal.³⁴ Since the governor's wealth and prestige, both of which were derived from the land he held as *jagirdar*, were directly dependent upon the faithful discharge of the duties of his office, no governor could feel free to ignore either the directives of the centre or the welfare of the local people. The normal functions of local government were in the hands of local authorities and conducted according to local traditions. The Gorkhali governor maintained law and order and saw to it that the state's share of the crops was regularly paid and dispersed according to the directives sent from the centre. It was, in brief, a system of centralized authority and decentralized responsibility and administration. It provided a basic unity without destroying the flexibility necessary to assimilate the disparate people the conquest had brought under Gorkhali rule.

No system is without its flaws, and the system Prithvinarayan Shah used to govern the new Nepal had its share, which human weakness and self interest would in due course exploit. But, flawed or not, the system worked and permitted the growth of a unitary state whose distinct districts enjoyed a large amount of local autonomy while remaining tightly linked to the centre. This was an achievement without parallel in the hills, and it was this system that was able to maintain for Nepal the unity that had been won by the Gorkhali army.

5. The Costs of Unification and the Tarai

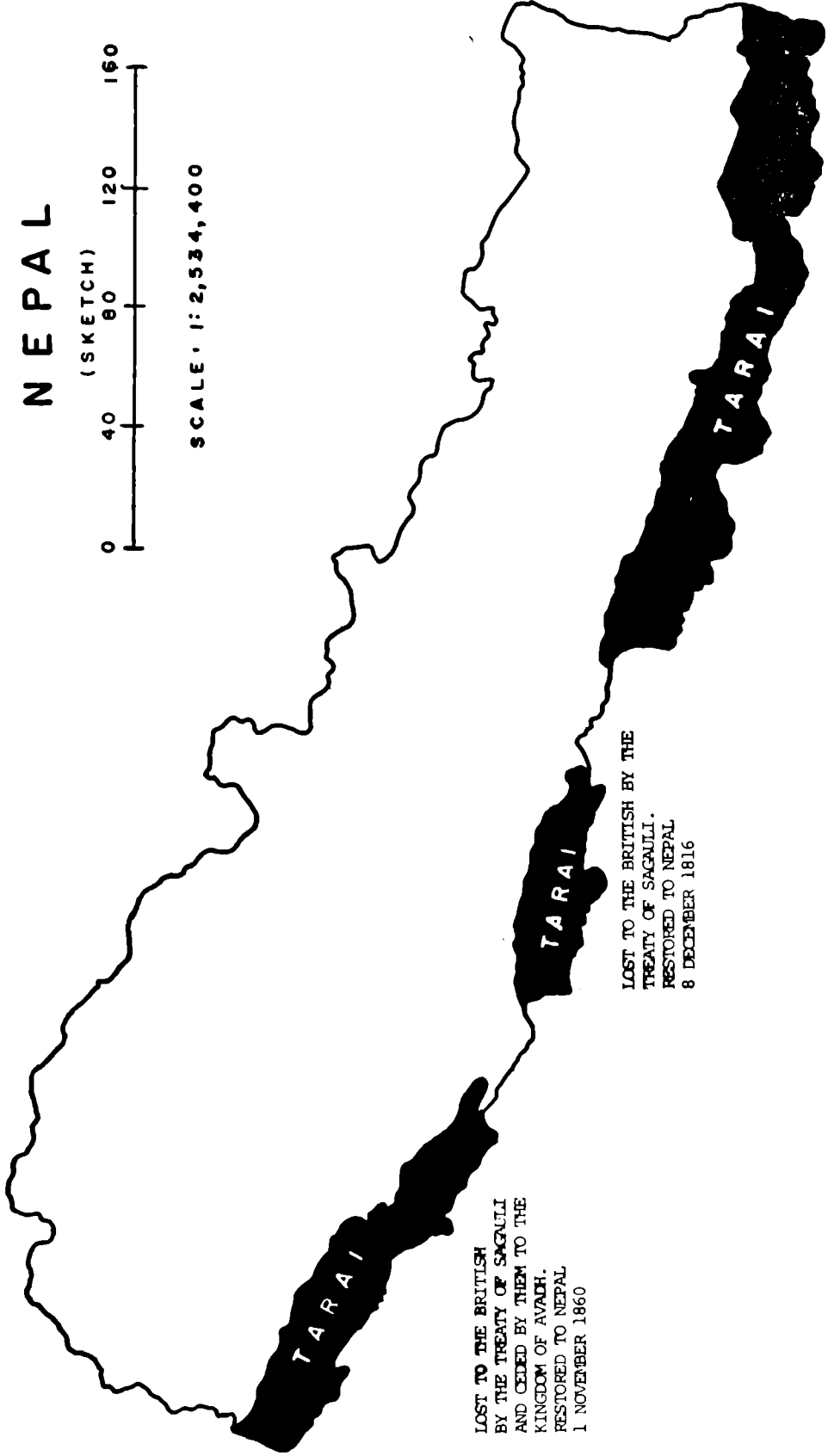
The question of the cost of this type of government is pertinent here. Could the hill states support the costs of military expansion *and* the increased cost of centralized government? The answer, unfortunately, is no. The factor that determined income in the hills was not the needs of the state but the total area of arable land and the ability of the farmer to produce crops from it. The average farmer's energies were already fully extended in producing enough to meet his own needs and pay his taxes. Pushed beyond this point, the law of diminishing

³⁴ This annual review of one's service record and reappointment or dismissal from office was called the *pajani*.

NEPAL



SCALE: 1:2,534,400



LOST TO THE BRITISH
BY THE TREATY OF SAGAU
AND CEDED BY THEM TO THE
KINGDOM OF AVADH.
RESTORED TO NEPAL
1 NOVEMBER 1860

LOST TO THE BRITISH BY THE
TREATY OF SAGAU.
RESTORED TO NEPAL
8 DECEMBER 1816

returns set in rapidly. Once the military structure grew to the size required for the continued expansion of Nepal, only the large stretches of very fertile land in the Tarai, both cultivated and virgin, could satisfy the increased demands for land that the system required. It was from these lands that the leading commanders and the upper echelons of government were paid. Military companies for the most part had their *jagirs* in the hills. But the commanders, the governors, the principal *jagirdars* of the central government, and the former officers of government had their lands in the Tarai. It was precisely these groups of government officers on whom the burden of the Gorkhali system of government rested. They provided the vital link between the centralized authority of the central government and the decentralized administration of the provinces. In a very real sense they held the nation together. And they were paid from the Tarai lands.

The alienation of the Tarai lands, which was implied in the governor general's proposed solution to the boundary problem, would not merely deprive some officers of Nepal of their excess wealth. It would sheer away from the Nepali state the resources that paid the costs of central government. Were this to happen, there is no reason to assume that the great centrifugal forces generated by geography, society, and the economy of the hills would not in time tear the newly unified Nepal apart and reduce it once more to an anomalous collection of regional mini-states. British historians have been very off-hand in their comments that the Tarai paid the salaries of the Nepalese nobility, as if this were a great luxury that the state could well do without. The fact is that the unity of the state depended on the continued loyalty of these officers and on their fulfilling their duties to the state. In the socio-political framework of the Himalayas, the guarantee of both was their *jagir* land. And this was in the Tarai.

There is no need to assume that Bhim Sen Thapa himself was deeply concerned with this aspect of the problem or even acutely aware of it when he accepted the governor general's challenge for war. His appreciation of these factors may have been intuitive and secondary to the problem as he saw it. His actual motivation for accepting the governor general's challenge to war was undoubtedly his own strategic assessment of the British threat and Nepal's ability to survive it. But

he certainly realized that continued possession of the Tarai was critical. Once the connection between the Tarai, the *bharadars*, and the unity of the Nepalese state is understood, regardless of the degree of awareness Bhim Sen Thapa himself had of the total implications of the governor general's proposals for a peaceful solution of the border dispute, it is quite evident that acceptance of the governor general's proposals in the interests of peace would have been more disastrous for Nepal than the actual outcome of the war has in fact proved to be.

D. THE TREATY IMPOSED

Nepal's critical need for the Tarai also explains the intransigent stance Gajraj Misra took during the negotiations at Sagauli. As we have seen above, the one point that was open to negotiation in the governor general's draft treaty was the Tarai border. Either the governor general must be persuaded to yield in his Tarai demands, or a treaty of peace would have no meaning, and the war would have to be fought to its conclusion, whatever that might be. To yield the whole Tarai was to abandon Nepal as a unified state. There was no way that the demand as it stood could be accepted in Kathmandu.

When the governor general finally realized that what he was demanding simply could not be accepted by the government in Kathmandu, he moderated his demands. He would take the Tarai, but in compensation he offered to pay two lakhs of rupees annually as *jagirs* to whichever officers the government of Nepal designated. On the authorization of the king and Bhim Sen Thapa in Kathmandu, this was accepted by Gajraj Misra, and the treaty was signed. Ratification was to be completed within fifteen days, and the ratified treaty handed over to Colonel Bradshaw. Once again the British desire to bundle the treaty up into a neat package prejudiced the whole treaty.³⁵ To expect a provision such as this—a provision that affected not only every *bharadar* of the state but also one which would place the

35 It is difficult to say how much of this was the result of Bradshaw's attitude and how much of it was the result of attitudes projected by the governor general. John Pemble, *The Invasion of Nepal: John Company at War* (Oxford, 1971), p. 319, says 'in his manner as negotiator [Bradshaw] had been high-handed and hectoring.'

key personnel of government under obligation to the East India Company—to be ratified within fifteen days was a massive exercise in self-delusion. Any Nepali ruler who accepted such a proposition without the full support of his *bharadars* could hang up his spurs and go back to farming. Bhim Sen Thapa may have lost a war, but he had not lost his mind, nor did he think the governor general had, though there were times in these negotiations when it seemed he had done so.³⁶ The discussions in Kathmandu dragged on. The deadline was passed. No ratified treaty was presented. And immediately British suspicions of ulterior motives on the part of Bhim Sen Thapa began to press for a renewal of war.³⁷

The second phase of the Nepal–East India Company war seems to have been totally unnecessary. The British historian Thornton has made the accusation that there was war because Hastings, the governor general, wanted war. Whether this is a true assessment of the facts or not, the war was resumed in February 1816. This time Ochterlony was in supreme command of the British forces, and once again he exhibited his flair for mountain warfare. He penetrated the hills without difficulty and reached the foot of the ridge on which the fort of Makwanpur stands. Makwanpur commanded the most accessible route to Kathmandu from the plains. It was also the capital's last line of defense. When the Gorkhalis for some unexplained reason left a village along the crest of Makwanpur ridge undefended for a brief time, Ochterlony seized his opportunity. He pushed a detachment up the ridge to occupy the village and then threw company after company into the defense of this critical toe-hold on the ridge. By nightfall, his position was secure, and he was able to bring up heavy artillery, moving his guns along the ridge until he had Makwanpur fort under open sights. Makwanpur surrendered, and with it fell the last defense of Kathmandu Valley. So ended the battle and the war.

Throughout the battle, the Nepali envoy had been present in the fort of Makwanpur with the ratified treaty in hand. Immediately after

36 E. Thornton, *The History of the British Empire in India* (London, 1843), 4: 333–37.

37 The British were convinced that the Nepalis were trying to delay the second outbreak of war until the monsoon brought the malarial season to the Tarai, which would give them an extra six months to prepare their defenses.

the surrender of the fort, he presented it to the British general. Ochterlony accepted the ratified treaty with such disdain that not one of the Gorkhali onlookers could doubt that an era had indeed ended with total and complete finality.

THE TREATY OF SAGAULI³⁸

Treaty of Peace between the Honourable East India Company and the Maharajah Bikram Sah, Rajah of Nipal, settled between Lieutenant Colonel Bradshaw on the part of the Honourable Company, in virtue of the full powers vested in him by His Excellency the Right Honourable Francis, Earl of Moira, Knight of the Most Noble Order of the Garter, one of His Majesty's Most Honourable Privy Council, appointed by the Court of Directors of the said Honourable Company to direct and control all the affairs in the East Indies, and by Sree Gooroo Gujraj Misser and Chunder Seekur Opedeea on the part of Maharajah Girmaun Jode Bikram Sah Bahauder Shumsheer Jung, in virtue of the powers to that effect vested in them by the said Rajah of Nipal,—2nd December 1815.

Whereas war has arisen between the Honourable East India Company and the Rajah of Nipal, and whereas the parties are mutually disposed to restore the relations of peace and amity, which previously to the occurrence of the late differences, had long subsisted between the two states, the following terms of peace have been agreed upon.

Article 1

There shall be perpetual peace and friendship between the Honourable East India Company and the Rajah of Nipal.

Article 2

The Rajah of Nipal renounces all claim to the lands which were the subject of discussion between the two States before the war; and acknowledges the right of the Honourable Company to the sovereignty of those lands.

38 C. U. Aitchison, *A Collection of Treaties, Engagements, and Sanads Relating to India and Neighbouring Countries* (Calcutta, 1892), 2: 173-75

Article 3

The Rajah of Nipal hereby cedes to the Honourable East India Company in perpetuity all the undermentioned territories, viz—

First— The whole of the low lands between the Rivers Kali and Rapti.

Secondly—The whole of the low lands (with the exception of Bootwul Khass) lying between the Rapti and the Gunduck.

Thirdly—The whole of the low lands between the Gunduck and Coosah, in which the authority of the British Government has been introduced or is in actual course of introduction.

Fourthly—All the low lands between the Rivers Mitchee and the Teestah.

Fifthly—All the territories within the hills eastward of the River Mitchee, including the fort and lands of Nagree and the Pass of Nagarcote, leading from Morung into the hills, together with the territory lying between that Pass and Nagree. The aforesaid territory shall be evacuated by the Goorkha troops within forty days from this date.

Article 4

With a view to indemnify the Chiefs and Barahdars of the State of Nipal, whose interests will suffer by the alienation of the lands ceded by the foregoing Article, the British Government agrees to settle pensions to the aggregate amount of two lakhs of rupees per annum on such chiefs as may be selected by the Rajah of Nipal, and in the proportions which the Rajah may fix. As soon as the selection is made, Sunnuds shall be granted under the seal and signature of the Governor-General for the pensions respectively.

Article 5

The Rajah of Nipal renounces for himself, his heirs, and successors, all claim to or connexion with the countries lying to the west of the River Kali, and engages never to have any concern with those countries or the inhabitants thereof.

Article 6

The Rajah of Nipal engages never to molest or disturb the Rajah of Sikkim in the possession of his territories; but agrees, if any differences shall arise between the States of Nipal and the Rajah of Sikkim, or the subjects of either, that such differences shall be referred to the arbitration of the British Government, by whose award the Rajah of Nipal engages to abide.

Article 7

The Rajah of Nipal hereby engages never to take or retain in his service any British subject, nor the subject of any European and American State, without the consent of the British Government.

Article 8

In order to secure and improve the relations of amity and peace hereby established between the two States, it is agreed that accredited Ministers from each shall reside at the Court of the other.

Article 9

This treaty, consisting of nine Articles, shall be ratified by the Rajah of Nipal within fifteen days from this date, and the ratification shall be delivered to Lieut-Colonel Bradshaw, who engages to obtain and deliver to the Rajah the ratification of the Governor-General within twenty days, or sooner, if practicable.

CHAPTER TWO

THE TRAUMA OF DEFEAT

Trauma [Gk *traumat*—trauma wound] a: an injury (as a wound) to living tissue caused by an external agent; b: a disordered psychic or behavioural state resulting from mental or emotional stress or physical injury. . . .¹

When the sun set on Makwanpur fort the first day of March 1816, the last shot of the Nepal–East India Company war had been fired. Peace came once again to the hills of Nepal. Before one could estimate the cost of peace and long before one could look back along the road that had led to war to decide where the wrong turn had been made or at what point the sheer momentum of events had overrun man's power and will to control them, Nepal must first count its wounds. And there was precious little time for this. There was scarcely a pause in the onward rush of events that would allow one to consider the casualties of war. Before the din of battle had ceased re-echoing in the hills, Ochterlony sent Lieutenant Boileau to Kathmandu to serve as acting resident, and this first consequence of the war was thrust on the people of Kathmandu before they were fully aware that the last battle of the war had been joined. Despite this rush into the future that begrudged even a moment spent in memory of the past, however, the wounds of war must be tied up. There must be the slow testing of the limbs of the body politic to determine whether this trauma of defeat was unto death or not. Then only might one begin to assess the damage to the spirit.

One thing was certain beyond cavil. The war was lost. No re-fighting of battles or analysis could change that. Nepal had handed over, or would soon do so, all the territories west of the Mahakali

¹ *Webster's Seventh New Collegiate Dictionary* (Springfield, Massachusetts, 1967), p. 942.

River that had formerly been hers.² To the east, the territory between the Mechi and Teesta rivers had been irrevocably lost.³ And three huge stretches of the Tarai had also been lost.⁴ In recognition of the importance to Nepal of the Tarai lands taken by the Company, an annual stipend of two lakhs of rupees was to be paid to the *bharadars* whose lands had been included in the Tarai territories taken by the Company.

The first question posed by the Treaty of Sagauli dealt directly with the continued unity of the nation. Would Sagauli result in a breakdown of that unity, or would Nepal survive as a unified state? Obviously, Nepal has survived, and yet the question has meaning, because it takes us to the very heart of Nepal's postwar problems.

Surprisingly, except for the dangers implicit in the loss of the Tarai, the other provisions of the treaty had very little impact on Nepal's unity. Neither the amputation of the western provinces of Greater Nepal⁵ nor the shock of defeat seriously weakened the unity of Nepal proper. Sagauli might present a number of serious challenges to Nepal, of which the Tarai was the most important, but it did not destroy the unity of the state. And this in itself says a great deal in favour of the mountain kingdom that had been slowly and painfully put together from the time of Prithvinarayan Shah onwards.

A. THE LOSS OF THE WESTERN HILL PROVINCES

The loss of the provinces west of the Mahakali River gave the Nepalis a psychic shock.⁶ This was a blow to the prestige of Nepal,

2 The river marking the western boundary of Nepal today is variously termed the Kali Ganga, the Kali River, or the Mahakali River. In these pages the name Mahakali has been preferred, to distinguish this river from the river in central Nepal known as the Kali Gandaki or the Kali River.

3 This territory was handed over to Sikkim and remained in Sikkimese hands until it was deeded to the British on 1 February 1835.

4 The Kosi River to the Gandak, approximately 3,000 square miles; the Gandak to the Rapti, approximately 1100 square miles; and the Rapti to the Mahakali, approximately 2200 square miles.

5 In this study the term 'Greater Nepal' is used to indicate Nepal at its largest extent. The terms 'Nepal proper' or 'modern Nepal' are used to indicate Nepal as it was after the amputations of the Treaty of Sagauli.

6 Kumaon, Garhwal, the *Athara Thakurai*, and the *Barha Thakurai*.

and it therefore had a significance all its own. But apart from that, the loss of Kumaon, Garhwal, and the west was not as great a loss as it is sometimes represented to be.

For reasons more geographic than political, Nepal had never truly assimilated these western provinces. Since the land and the people who inhabit it constantly interact, territories as well as people are caught in the grip of their own field of relationships with the territories around them.⁷ Thus, location and terrain caused the western provinces of Greater Nepal to look for the most part to Avadh (Oudh), Saharanpur, and Delhi.⁸ This orientation gave rise to a whole series of trade and cultural relationships that drew the western provinces into the Mughul sphere of influence, even though the provinces themselves had been able to maintain their separate identities. Nepal's conquest of these territories had not changed this basic geographic orientation, nor could it have done. Unlike the districts of Nepal proper, which had a strong cultural and geographic orientation towards Kathmandu,⁹ these western provinces would always have found it easier to face to the south and west.

Kathmandu's communications had been forced to contend against this. While the traditional communications of these far western provinces were relatively easy, those with Kathmandu were difficult and but recently established.¹⁰ Three hundred miles over difficult mountain trails were added to Nepal's already severe communications burden.

For a variety of reasons, the situation in these far western provinces had required close communications, which were geographically impossible. Local intrigue there had seriously complicated the establishment and maintenance of Gorkhali rule. Several local princes

7 Geographers are more accustomed to considering these relationships than are historians, but this merely emphasizes the need for greater collaboration between historians and geographers: commercial, physical, and political.

8 It is interesting to study a modern map of the communications of this area in this connection. Generally speaking, communications systems develop in the wake of trade patterns.

9 It is difficult to say how much the far western states of Jumla, Doti, etc., looked to Kathmandu at this time, but there was certainly contact over many centuries.

10 This will be discussed more at length later in this chapter, when the development of the *hulak* system is discussed.

with interests in the hills had remained in the area after the Gorkhali conquest precisely for this purpose. Throughout the whole period of Gorkhali occupation, for instance, Harsha Dev Joshi of Kumaon had maneuvered with one or other prince to try to gain some leverage against the Gorkhals.¹¹ Ultimately he threw in his lot with the British and helped bring about the critical Nepali defeat at Almora in 1815.¹² There were also British interests in the area. Whereas the British had been a stabilizing factor in the provinces of Nepal proper, since they refused to countenance the pretensions of the deposed rajas or to cooperate in their manifold schemes to regain their former positions, British interests considered the western provinces as an area of open competition for loyalties.¹³ This was especially true among the mini-states of the *Barha* and *Athara Thakurai*,¹⁴ where the clash of British and Nepali interests had first produced the principle of limitation.¹⁵ The restiveness of the local population must also be considered. This was owing in part to the heavy financial burdens the long siege of Kot Kangra had imposed on the region,¹⁶ but it was also directly related to the problems of maintaining communications over such long distances as existed between the provinces and Kathmandu. In consequence, local governors were often thrown on their own resources, and there were even instances when such governors found it easier to nego-

11 Edwin T. Atkinson, *The Himalayan Districts of the North-Western Provinces of India* (Allahabad, 1882), 2: 616-18.

12 *Ibid.*, 647-67.

13 After the Gorkhali failure to take Kot Kangra in 1809, the British extended their protection to a number of lesser states located in the foothills and the plains in the Sutlej River area. Henry T. Prinsep, *History of the Political and Military Transactions in India during the Administration of the Marquess of Hastings, 1813-1823* (London, 1825), p. 6, says of these protected states: 'The engagements for the simple protection of chieftainships and principalities had the same controlling character, nor did they differ materially in substance from the subsidiary treaties, except inasmuch as there was seldom any consideration exacted for the protection to be afforded, and never any obligation on the British government to maintain a specific force for the purposes.'

14 These petty states lay in the Himalayan foothills directly north of Delhi.

15 See Ludwig F. Stiller, S. J., *The Rise of the House of Gorkha* (Ranchi, 1975), pp. 242-49; and 'The Principle of Limitation', *The Nepalese Perspective*, 9 (March-April 1974): 4-21.

16 Stiller, *Gorkha*, pp. 238-39.

tiate directly with British officers rather than to route their problems through Kathmandu.¹⁷

In return for the burdens of government in these western provinces, Nepal received very little economic compensation. Most of the revenue derived from them was assigned in *jagirs* to support the army that was required to hold and administer them. Only a few thousand rupees a year came into the Kathmandu treasury.¹⁸ Had the far western provinces owned substantial tracts of land in the Tarai, the picture might have been somewhat different.¹⁹ But with the exception of the doon valleys, there was little first-rate farm land available there. When development finally came to these hill areas, it would come through interaction with the plains and not through lateral, intermontane communication.

B. INTERNAL UNITY

The contrast between the provinces west of the Mahakali River and provinces east of the Mahakali in Nepal proper is striking.²⁰ Where the former were never really comfortable with Gorkhali rule, the provinces of Nepal proper, after the first few restive years, seem not to have been unduly perturbed by their inclusion in the new Nepal. The sequel to Nepal's loss in the war of 1814–16 might well have been a breaking up of the Baisi region in the far west.²¹ The so-called *rajya*

17 John Pemble, *The Invasion of Nepal: John Company at War* (Oxford, 1971), pp. 51–52, provides an example of Kazi Amar Singh Thapa's negotiating directly rather than through Kathmandu.

18 Kumaon, in 1805, contributed a net revenue of only Rs. 14,001. See M. C. Regmi, *A Study in Nepali Economic History* (New Delhi, 1971), p. 57. Captain F. V. Raper, 'Narrative of a Survey for the Purpose of Discovering the Sources of the Ganges', *Asiatic Researches*, 9 (1812): 501–2, says that Garhwal yielded only 35,000 rupees to the Gorkhalis in 1808.

19 In 1777 Mohan Singh (later called Mohan Chand) gave the Kumaon Tarai to one Nandaram in exchange for support in Mohan's struggle to gain the throne of Kumaon. Nandaram, distrustful of Mohan Singh, then gave the Tarai to the Nawab of Avadh, from whom he held it on lease and with protection of the Nawab. See Atkinson, *Himalayan Districts*, 2: 598–99.

20 'Nepal proper' and 'modern Nepal' are used in this study to indicate Nepal as it existed after the territorial amputations of the Treaty of Sagauli.

21 'Baisi region'; the Karnali region of western Nepal, now generally referred to as the western development region.

states, in particular, might have been expected to try to break away. But no such move was reported. It is clear that by some process of growth and evolution these mini-states were more receptive to the concept of an extended and unified Nepal and less inclined to try to go their independent ways when the opportunity presented itself. The people had learned to accept the concept of a Nepali king living in far-off Kathmandu, and, without yet achieving a high level of internal unity, there were forces that made the old, independent mini-state concept seem outdated. The history of the development of these mini-states had prepared the way for the growth of this new, united Nepal, and this process of growth was not easily reversible.

The role of the mini-state in the development of modern Nepal has frequently been misunderstood. Historians have tended to see these states as a negative and divisive factor. When the numbers of states that existed throughout the hills are added up: twenty-two in the far west of Nepal proper, twenty-four in the Gandaki basin, the three Malla kingdoms of Kathmandu Valley, and the Sen kingdoms of Makwanpur, Bijayapur, and Chaudandi, the total number of kingdoms is so large that it tends to impede all proper perspective. When, in addition, the belligerence of the *Chaubisi* rajas and their opposing defensive alliances are considered, the perspective is badly distorted. The student is tempted to think that these kingdoms plus Mustang, Gorkha, and, to some extent, Sikkim were dividing Nepal into a patchwork of conflicting claims and loyalties. This is not altogether true. The division was there, of course, but the kingdoms were the result of the division, not the cause of it. Nepal divided and redivided because the terrain, the agricultural economy, and the system of government which evolved would not support larger units for any significant length of time.²²

None of the mini-states of the Himalayas drew its strength from the support that a homogeneous ethnic group might have given to its king. It is a known fact that many of the ethnic groups that inhabited the hills were spread rather evenly through many different kingdoms in

22 Stiller, *Gorkha*, chapters two and three.

the same general region.²³ Some groups, like the Newars, had found a welcome in areas widely removed from their home territory. There is, thus, no way that the inhabitants of these Himalayan mini-states could be considered *nations* in the terminology of history and political science. Even in the rare cases where the population of a state comprised a single ethnic group, the extension of this group territorially into one, two, or even three neighbouring states destroyed whatever national cohesion might have been derived from such a homogeneous population. Nor were the mini-states of the Himalayas contenders for living-space or competitors in their economic or political systems. There was little or no variation in the composition of states or their political goals throughout the whole mid-montane region. The cause of the political fragmentation of the Himalayan region must obviously be sought elsewhere.

In order to get at the causes of this fragmentation, we must recognize the fact that the land was not merely a background. It exerted very real and tangible pressures on the people who inhabited it. Some peoples were drawn together in natural and easy groupings. Others were thrust apart by mountains that made communications too tedious and time-consuming to be practical. Still others were cut off *totally* by uncrossable rivers or towering mountain barriers. It was thus the land itself that divided Nepal, and in consequence of the division imposed by this land, the Himalayan mini-states came into being.

Though not readily apparent, it is nonetheless true that the Himalayan mini-states played a vital role in the unification of Nepal. These mini-states established a working relationship between a raja and his subjects within an area that government, as it was then known, could encompass. The king learned the practical limits of his power, which was boundless in theory, but in fact was limited by the willingness of his subjects to remain in his kingdom and work the land. This was determined in practice by the quality of the land the farmer worked, the tax-burden placed on him and the relative ease or harshness of

23 Both Dor Bahadur Bista, *People of Nepal* (Kathmandu, 1972), 2nd edition, and Pradyumna P. Karan, *Nepal: A Physical and Cultural Geography* (Lexington, Kentucky, 1960) make it clear that the ethnic diversity of Nepal was not directly related to the political divisions that emerged in the hills of Nepal throughout her history.

life in neighbouring states. For his part, the subject learned the importance of the king and the king's government to his own livelihood. He learned to accept and to expect the security which it was the king's divinely imposed duty to provide. It was the king and his government, *sarkar*, that guaranteed him continued peaceful tenancy on the land as long as he fulfilled his own fiscal obligations. It was *sarkar* who defended him. And finally, when his quarrels had to be settled, it was *sarkar* who tried to give him justice. None of these things gave him an easy life, but they did assure him continuity on the land so that he might raise his family in the quiet rhythm of the seasons. Perhaps, on occasion, the farmer had a chance to actually see his king, but for many a hill farmer his monarch was faceless, hidden in the anonymity of *sarkar*. The farmer tilled the land; paid his taxes; worshipped his gods—and for the rest, *sarkar* would provide.

The very anonymity with which the farmer endowed his king had greatly facilitated the Rajput ascendancy to power in many of the hills states during the fifteenth and sixteenth centuries.²⁴ These warriors had come into the hills in search of new homes to replace those that Muslim might had destroyed. As *kshatriya* warriors, they were welcome, and they became in time indispensable aids to the rajas of the hill regions. When the Rajput leaders set aside the local rajas and assumed the prerogatives of the throne, there was no substantial outcry from the subjects, because there was no significant change in their relationship with *sarkar*. If anything, they were better defended than they had been before. As long as their land was secure and their expectations from *sarkar* remained fulfilled, they were quite willing to continue to fulfil their own obligations to *sarkar*. They accepted the new *jagirdars* that inevitably were assigned to mediate the government of *sarkar*, paid their taxes, and lived substantially as they had before. The new kings made very little difference in their lives.

As far as the farmer was concerned, the Gorkhali conquest, when it came, added nothing essentially new to his working arrangement with *sarkar*. For the most part his taxes remained the same, his festivals were honoured, and his shrines and holy places were preserved. New

24 Stiller, *Gorkha*, chapter three.

faces appeared among the *jagirdars*, sometimes very different in appearance and dress, but they fulfilled the same roles in society and made the same demands. *Sarkar* was now in Kathmandu, but *sarkar's* power was in the village to protect, to defend, and to mete out justice. The villager had no reason for alarm or concern because his old raja had been unseated. His own life was undisturbed. His family safe. His days dedicated to the same round of planting, threshing, and off-season labour, punctuated with moments of rejoicing and religious festivals.

The history of mini-state kingship had prepared the minds of villagers throughout the hills for the acceptance of a king who was not one of the clan or even someone from the region. As long as Prithvinarayan Shah and his successors could continue to maintain their end of the relationship, the villager would accept them, fulfil his obligations towards them, and give them as much loyalty as he gave to any king.

Given this willingness on the part of the villager to accept the Gorkhali king, twenty-five years and more of exposure to Gorkhali rule had created an even stronger impression in the mind of the villager of the power of *sarkar* to protect and to impose his will. For the first time in his life the villager experienced the regular movement of regular troops, armed with weapons he had never even heard of before. And he came to know and respect the power contained in the *lal mohar*, the official government communication. In those same twenty-five years and more, the old guard of local nobles and the raja himself, if the villager lived in a *rajya* state, had grown old in the system or had given way to younger men who had hardly known any other system. Time, the great healer, was also at work.

C. BONDS OF UNION

Beyond these first effects of unification in the creation of modern Nepal, there were other works that gave the typical villager some experience of belonging to a state larger than his own horizons, with purposes more complex than he could easily comprehend. The *hulak* service; the use of *jhara* labour in new tasks in arsenals and mints and powder plants to provide supporting services to the conquering army; and, of course, the army itself.

1. The Hulak Service

The *hulak* service was a primitive mail system. It was used to move government mail and goods across the mountains from one district to another, or even from Kathmandu to the farthest reaches of the kingdom.²⁵ It utilized the only available means of transport, the human porter, but it worked with an efficiency that only the more modern improvements of roads and aircraft have been able to surpass. The *hulak* service was based on a few key points along the great road that led from Kathmandu westward to the border. There was nothing great about the road except the fact that it was the main artery of government communication. Essentially it was a well-travelled hill track. But it did make communication possible all along its length. The key points on this road, within the borders of present-day Nepal, were Doti, Achham, Dullu, Dailekh, Piuthan, Pokhara, Gorkha, Nuwakot, and Kathmandu.²⁶ At each of these points military escorts were available, who, on orders from Kathmandu, protected the more valuable loads along the route. The loads themselves, whether letters or guns or ammunition, were carried by local villagers who had been assigned to this service. For each day's march along the road four groups of twenty families were assigned the task of moving the load along to the next point.²⁷ Each group of families was directed by a *naike*, who was responsible for keeping villagers informed of their turn in rotation. If the terrain permitted a day's march of thirty miles, each of the carriers

25 Only the main *hulak* route is discussed here, though there were numerous feeder routes. As will be apparent, the *hulak* system was for official use only. There was a *kagati hulak* for the rapid transit of letters, and the slower *thaple hulak* for the transport of goods. The details given here are from the ordinances setting up the *thaple hulak*. Some of these arrangements were modified with the passage of time and the acquisition of experience, but the description given here is quite accurate for the period under discussion. See Jaya Karky, *Nepal ma Hulak Byabastha-Ek Lekh: 1804-1839*, an unpublished study of the *hulak* system done for the Human Resources Development Research Center; also *Regmi Research Series*, 4 (April 1972): 69.

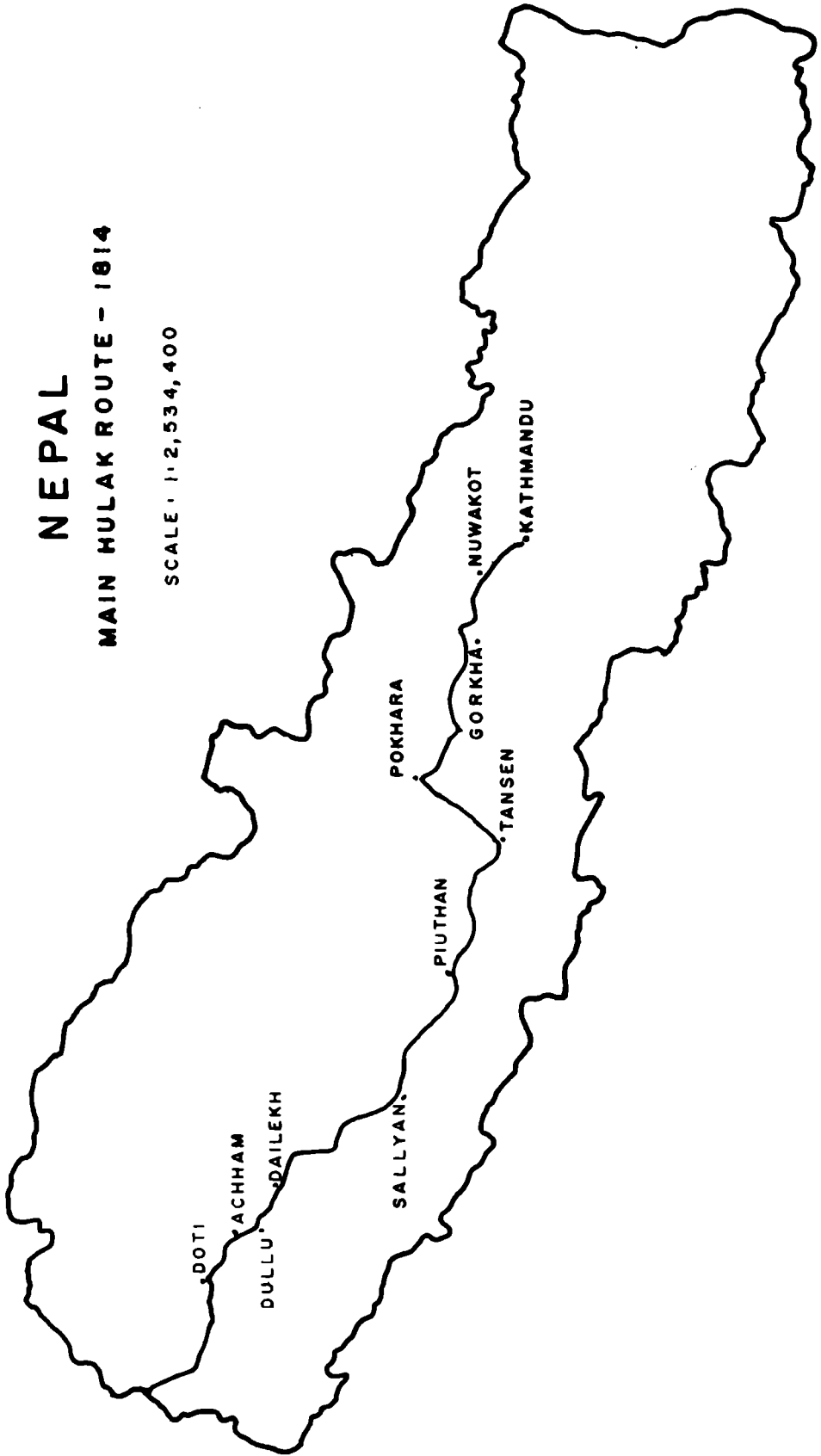
26 See Appendix A to this chapter for a translation of extracts from these *hulak* ordinances.

27 Ibid. Ordinances for the various feeder routes indicate different spacing of the relay points and smaller groups of relay *hulak* families. Bhim Sen Thapa Documents: 2/230-50/290-306.

NEPAL

MAIN HULAK ROUTE - 1814

SCALE 1:2,534,400



was responsible for a fourth of that, or seven and a half miles. If the terrain was more difficult, and only a march of sixteen miles was considered feasible, the average *hulak* bearer had to be concerned about moving the load only four miles. Letters moved along this relay system with amazing speed, and even heavier burdens moved at a pace that seemed remarkable in the hills.²⁸

Maintenance of the *hulak* system was far more complicated than might first meet the eye, though the backbone of the system had the simplicity that alone assured success in Nepalese society of the time. All families involved in the *hulak* system provided these services in lieu of other forms of the labour tax which was normally expected of all tenants on the land in Nepal.²⁹ Unlike other forms of compulsory labour, which were seasonal and depended on the simultaneous effort of large numbers of labourers, the *hulak* system was a twenty-four hour a day service that required the coordinated efforts of a few individuals at regularly spaced intervals along the great road. Superficially, it would seem that only a reassignment of *rakam* labourers to this task

28 Alan Campbell, in his 'General Observations', Foreign Political Consultation, 23 January 1835, No. 74, makes this observation: 'The Gorkha means of artillery transport are admirably suited to efficiency in a mountainous country. Their gun carriages are so constructed as to admit of being taken to pieces, and put together again, and their component parts made of a weight having strict reference to what can be easily carried by human transport over the most hilly parts of the country. For the purpose of transporting guns, their carriage and ammunition, a subordinate body of men like our Lascars is disciplined for transport purposes, and permanently kept up and attached to the artillery corps. The mode of transport is as follows: the gun, a 3 or 4-pounder, is lashed to an elastic pole about 12 feet long, the ends of which being placed on the shoulders of 8 men, enables them to bear a gun to any portion of the hills accessible to man. When the gun is of a larger size than a 6-pounder, the number is increased by a simple and easy process as follows: to each end of the long bearing pole two subsidiary ones are joined laterally to each of which 4 men are attached. The long pole to which the gun is lashed now bears on the ropes connecting it with the subsidiary poles, swinging easily and enabling the men to go at a test when the ground is all level. There is always two sets of carriers attached to each load, a 9-pounder or 6-pounder requiring 16 men, a heavier piece of ordnance 32 men. In like manner with the gun is a carriage, being taken into pieces, carried. Shot and shell are sometimes carried in this fashion, the powder always in boxes of light, well-seasoned wood made to carry 100 to 150 pounds.'

29 M.C. Regmi, *Land Tenure and Taxation in Nepal* (Berkeley, 1963-68), 3: 54.

would be required.³⁰ But to ensure the regular and prompt fulfilment of their *hulak* duties, families that agreed to provide *hulak* porters were also exempted from homestead taxes.³¹ The *naike*, or foreman, also had to be appointed to coordinate the work of the families assigned to a given stretch of the road and to guarantee that at each stage someone be alerted to accept the letters or loads that were being passed along the line and forward them to the next post.

The fact that the *hulak* service cut across traditional local labour obligations and introduced a wider, regional concept also introduced areas of tension. *Jagirdars* and *birta* owners had traditionally preempted the *jhara* labour of the local villagers to provide for their own projects as well as for local official projects. If the *hulak* service were to attain the degree of efficiency necessary for long-range, rapid communications, this practice would have to be eliminated as far as the members of *hulak* families were concerned. This, of course, created tensions in the locality, but the priority of the *hulak* service was so great that both *jagirdars* and *birta* owners had to be brought into line. The authority of central government was required to achieve this, but it was done, and for the first time in the history of Nepal a national project was initiated that took clear precedence over the wishes of even the strongest local authorities. Quite naturally this battle was not won in one exchange of letters, but the *hulak* service was such that infringements on the rights of *hulak* porters interrupted the service and so came to the attention of higher authorities almost immediately.³²

The *hulak* service impinged on the traditional rights of *jagirdars* and *birta* owners in other respects as well. It had traditionally been the right of these officials to replace tenants on their lands at will.³³ In

30 *Rakam* services were those to which the labour tax was applied on regular and systematic basis (as the *hulak* service), while the other forms of compulsory and unpaid labour assigned on an *ad hoc* basis went under various names such as *jhara*, *beth*, and *begar*, all of which are referred to in this study simply as *jhara*.

31 Homestead taxes were paid on the home and a small surrounding bit of land and bore no direct relationship to the size of the tenant's agricultural holdings.

32 Since only official mail was to be carried by the *hulak* service, the *hulak* service was staffed with this limited use in mind. Any unofficial use of the *hulak* service delayed the official mail, a fact that could easily be determined from the time required for the mail's transit.

33 Regmi, *Economic History*, p. 89.

view of the nature of the *hulak* service, the exercise of this right could, and frequently did, interfere with the larger objectives of the government in initiating the service. If *hulak* carriers were evicted from their lands, they simply ceased to carry the mail. To avoid this interruption in the *hulak* service, the families of *hulak* porters, while remaining tenants on the land, were given immunity from arbitrary removal. This did not free them from the obligation to pay regular land rents and taxes, but it did provide them security in their tenancy and made the *hulak* carriers a privileged group among tenants.³⁴

The system, as any human system is, was open to many abuses, and some of these became glaring infringements on the rights of the people. The most notorious of these abuses, and the one which was continually condemned by the central government, was the practice of government servants making use of *hulak* porters for the transport of their own personal goods.³⁵ This was strictly against all government regulations, harmful to the efficiency of the service, and a direct imposition on the families who performed the *hulak* service. The practice could not have been carried on without the large-scale connivance of local authorities. Its continuance indicates more clearly than words can tell the parochial mindedness of many of those who were assigned as government servants to the districts by the central administration. Such men were frequently unable to realize that this arbitrary arrogation to their own use of the facilities needed for the proper conduct of government business impaired the abilities of government to manage national affairs and at the same time displayed their own contempt for the rights of those in more humble stations in life. So commonplace was this practice that it became almost a hallmark of the attitude of government officers in the districts and indicated an early growth of the concept that the government official was a ruler of the people rather than their servant—a concept totally at odds with the ‘nobility of ser-

34 See Appendix A, extracts from the *hulak* ordinances, no. 1.

35 As the extracts from the *hulak* ordinances included in Appendix A to this chapter indicate, the order forbidding the use of the *hulak* service for private purposes was included as a standard clause in all ordinances issued for the regulation of the *hulak* service. Cf. Bhim Sen Thapa Documents: 2/230–50/290–306.

vice' envisioned by Prithvinarayan Shah.³⁶

A second abuse, not so widespread but surely as prejudicial to the rights of the villagers, appeared in those areas that were thinly populated and therefore unable to provide the number of families that the *hulak* service required for a given sector of the route. In these cases the concerned officials showed a zeal for the continuance of the service that led them to use corporal punishment even on children in order to ensure that porters would be found.³⁷

Neither of these abuses, however incontrovertible and unpleasant, can diminish the significance of the *hulak* service in the development of Nepal's unity. The fact that the system was open to abuse and that men for their own selfish purposes exploited those who made the system function does not vitiate the concept nor detract from its achievement, although it certainly was an indicator that national interests and the welfare of the people were not the overriding aims of many of those who sought and found *jagirs* in government service.

The *hulak* service contributed in two ways to the growth of the sense of unity in Nepal. First and most obviously, the *hulak* service provided the means of communication by which the central administration could direct and supervise the administration of local governors as well as maintain contact with Gorkhali armies wherever they might be fighting. Secondly, the porters who were responsible for forwarding the mail and supplies developed a sense of participating in something that was larger than their own simple village. They regularly carried important letters and badly needed military supplies, and in time they came to think of themselves, in a simple fashion true enough, as agents of *sarkar*. They were more than just villagers. They belonged to something larger, and they developed simple common interests with other *hulak* carriers all along the route. This was not a dramatic development, but it was real and almost tangible, and from such threads of unity the sense of nation would grow.

36 Prithvinarayan Shah, *Dibya Upadesh*, ed. Yogi Narhari Nath (Kathmandu, 2016 B. S.), p. 14.

37 Bhim Sen Thapa Documents: 2/289/229, records the case of a man who died of injuries received when he was beaten for not carrying out his *hulak* duties to the satisfaction of local authorities. Cf. Regmi, *Economic History*, p. 110, for further descriptions of such abuses.

2. Munitions

Another area where Nepalis were brought into works that had a wider horizon than the local community was the munitions industry. Again, care must be taken to maintain perspective. The munitions industry of early nineteenth century Nepal was small, of a scale and a type that was suited to the size of the country, its needs, and its relative advancement. There were munitions factories in various centres, so that even the small scale munitions industry that existed was fragmented, with sites in widely separated regions.³⁸ Granted these limitations, however, the munitions industry had a much larger significance than the mere manufacture of gunpowder or a few flintlocks would suggest. The degree of organization required to produce gunpowder in the amounts needed by the military and the flintlocks that they used was considerable. Regular supplies of saltpetre, charcoal, and sulphur were required for the manufacture of gunpowder, and this involved not only the procurement of these materials but their transportation to the manufacturing site and their processing as well. Since all of this work was done by *jhara* labour, the scheduling of families to work in their turn on regular shifts required a fair degree of administration.³⁹ The actual manufacture of powder was in the hands of technicians, but the labour requirements for providing and processing materials made it necessary to employ the services of large numbers of families in the effort. Miners, woodcutters, and porters were constantly needed, and the use of *jhara* labour for these tasks implied combining this schedule of activities with the normal round of activities that the agricultural basis of society imposed on the labour force. The manufacture of flintlocks made similar demands, although the total number of workers involved was far smaller.

38 Arsenals were located throughout the country. There were arsenals in Pyuthan, Chainpur, Morang, Doti, Majhkirat, and Kumaon. *Regmi Research Series*, 4 (February 1972): 28-32.

39 Assigning *jhara* labour during the off-season in the fields was no problem. But during the planting or harvest seasons, only the most urgent *jhara* assignments could be undertaken, and those had to be closely scheduled to avoid interference in the agricultural tasks. Porterage tasks could be carried out in advance, bringing in supplies for the arsenals before the planting or harvest season. But even this required considerable planning.

There were in Nepal at that time several private enterprises that involved the coordination of labourers from different walks of life. The cotton industry involved farmers, porters, weavers, and shopkeepers in a continual round of activity. The brassware and copper industries also involved equally diverse elements of the population. The significant difference between these industries and the munitions industry lay in the respective scale of these industries. The cotton and metalwork industries were actually a composite of dozens of what were essentially cottage industries. The total output was large, but each step in the operation was limited in its aims to the completion of that step: the growth and exchange of raw cotton; the spinning, weaving, and sales to a middle man; and transportation and marketing. Each step was regulated by leisure from more pressing farm duties and the law of supply and demand on the market to which each phase of the industry had access. A great deal of the cloth never went beyond the limits of the village where it was produced, but was used right in the village and was manufactured to meet this limited need. Not so the munitions industry. Here the demand was almost constant, and the quantities involved were large for a nation of the limited industrial capacity that Nepal had. And a regular supply was important to meet the constantly growing demand.

The significance of this industry in the context of national unity lies in this, that the labours of men and women from villages far removed from the centres of power were brought into a national enterprise. The value of such a project did not depend on the ability of the villager to conceptualize the meaning of his contribution. It was enough for him to know that he was working on a project that had been ordered by *sarkar*, that it was important, and that it took priority over things that might seem more necessary on the local level.

We must always keep in mind when discussing points such as these that any withdrawal of labourers from the local labour market meant a sacrifice of local objectives in favour of a larger objective, whether these labourers were paid in cash or were obliged to perform this service as a labour tax. The total amount of available labour in any locality was limited, and a very large percentage of this available local labour had to be devoted to the critical tasks of agriculture, on which

the national and local economy ultimately depended. Other projects could expect only marginal labour efforts, and these, too, had to be integrated with the agricultural cycle. The use of the local labour, then, on a national project meant a real sacrifice of local objectives, whether these were objectives of local government or the more personal objectives of local *jagirdars* and *birta* owners. It must also be remembered that the villager was not a machine that could be worked indiscriminately, but a human being with a very real limit of endurance and an even lower limit of acceptable labour obligations. Since he was only a tenant with no real ties to the particular plot of land that he farmed, he reacted to conditions that were too harsh by withdrawing from that locality; and there was very little government could do to hold him there, if he were really determined to go. The Nepali villager was not a serf, nor would he ever become one, although certain government regulations might easily convince a casual reader that this was the lot that the needs of government continually forced on him. In this context, the labour requirements of the munitions industry must be seen as a strongly unifying force in the Nepali nation state. Local objectives were sacrificed for higher national objectives without at the same time moving outside the framework of a society that still had a very low level of monetization.

3. The Army

Of all the unifying forces at work within Nepal, the army had always rated pride of place. In the agricultural societies that were the rule in the Himalayan districts, it was only the army that consistently took villagers out of their local surroundings and placed them in a role that not only exposed them to a larger concept of society but actually employed them in bringing about the objectives of that society.

The army obliged a man to accept orders. He had to go where he was told; do as he was told; or, failing this, to accept the consequences.⁴⁰ The army also taught a man, even a simple *sepai*, something of the

⁴⁰ Soldiers, whether officers or other ranks, who failed to obey orders were dismissed. See Bhim Sen Thapa Documents: 6/554/217: order dismissing the *khalasis* ('gun porters') of three companies in Salyan for failure to perform their assigned duties.

intricacies of the economy of Nepal. As time went on, the sheer problem of military mobility and accurate records made it impossible to assign each man a *jagir* that became his own personal plot of land.⁴¹ Lands were assigned to companies, and the proceeds of the crop sent on to the company, where each man received his share according to his rank.⁴² Inevitably even this system broke down at times, and the common soldier saw how involved was the process of making good the shortages that had resulted from the failure.⁴³ Soldiers teach soldiers, and even the recruit would rapidly learn that many of his village concepts, which were closely identified with the land, were inadequate to explain his new life.

The problem of military supply was a constant one. Here, too, the simple recruit learned from first-hand experience of the many aspects of society that had to be organized to keep the army supplied. He saw the *hulak* system at work. Perhaps he served as part of a military escort for munitions along the route.⁴⁴ And he saw the constant stream of orders and assignments that coordinated this new world that he had entered.

All of this educated the villager-become-soldier in the idea of a state that transcended strictly local and regional interests. It is impossible to say or even to imagine how deeply this experience entered into his thinking processes, but he was exposed to it, and he lived with it.

41 The Gorkhali expansion into Garhwal and points to the west after 1804 seems to have been the major cause of this change in the nature of *jagir* assignments. The old concept of fighting 'seasons' gave way to the year-round campaign, which reached its height in the three-year siege of Kot Kangra, 1806-9.

42 See Appendix A to chapter seven for the pay rates of the various ranks of a military company.

43 This difficulty was the direct result of the *jagir* method of payment, according to which specific revenues from specific plots of rice land were assigned to specific persons. A failure in production for whatever reason meant a juggling of accounts, since almost all sources of revenue were assigned in *jagirs*, and the administration had very few unassigned sources of revenue.

44 The military escort usually consisted of one or two squads (*pattis*) of approximately fourteen men each. No data is available on the normal size of munitions shipments or the number of loads that were thought to justify a military escort. Bhim Sen Thpa Documents: 4/566/332: order establishing the relays of military escorts from Kathmandu to Kumaon.

There was certainly some transfer of knowledge, and even a modest growth in his own thinking would help to tear down some of the provincial boundaries that the old mini-states had imposed on thinking and imagination. This process, once begun, was irreversible, no matter what fate befell the new Nepali state. Consequently, it was an important factor in the development of the sense of unity in Nepal and has its place in explaining the gradual growth of a national concept.

4. Agricultural Development

In the agricultural economy prevailing in Nepal any real economic development necessarily involved increased agricultural production. The constraints on such an increase in production were obvious. The farmers of the hills were already producing as much from the land as their farming technology permitted. Increased production meant bringing more land under the plow. This was not feasible in the hills, however, both because the only new land available was located on mountain slopes that were difficult to farm and yielded poorer returns and also because the development of such lands would require manpower that was simply not available. Even if manpower had been available for this work, the manpower-productivity ratio would have been so low that no substantial increase in national revenues could have been expected from the effort. The larger labour force would probably have consumed more than their increased efforts could have produced.

In the Tarai, however, there were large stretches of virgin land that would yield good crops if they were brought under the plow. Until the unification of Nepal, the clearing and development of these virgin lands had not been possible. As Hamilton pointed out, there had not been the conditions of peace that agricultural development required.⁴⁵ Perhaps more to the point, the former kingdoms of Palpa, Makwanpur, Bijayapur, and Chaudandi had neither the need for large scale development of the Tarai lands nor the capital necessary

45 Francis Hamilton, *An Account of the Kingdom of Nepal* (Edinburgh, 1819), p. 64.

to develop them.⁴⁶ As the new Nepal grew, however, the increased expenditures involved in continued westward expansion made the proposition for developing these lands far more attractive. If agriculture were encouraged in the Tarai, there could be very substantial increases in government revenues. Also, as a corollary of unification, a class was developing in Nepal that had the resources to finance this increased agricultural development of the Tarai. Manpower then became the critical factor, but this was solved in large measure by events that were taking place inside the East India Company's territories.

The Bengal famine of 1769–70 had brought about great changes in the agricultural structures of Bengal and Bihar. Estimates place the number of deaths resulting from this famine at one-third the population.⁴⁷ Certainly the death toll was sufficiently high to cause severe dislocation in the villages. At that time many Indian farmers moved to richer and better watered lands in search of food. This brought many of them into Nepal, where the government rapidly promulgated ordinances that made permanent settlement in the Nepal Tarai far more attractive than transient share-cropping.⁴⁸ This provided some of the manpower needed from the development of the Tarai, but the Tarai could easily accommodate many more settlers than came into Nepal at this time. The Bengal famine, however, set in train another series of events that considerably added to the pool of manpower available for the development of the Nepal Tarai.

As a direct result of the famine, the economic position of tenant

46 At this time, much of the central and eastern Tarai was forested. The fact that so much of this was hardwood forest explains why the development of the Tarai required a heavy capital outlay, but even grasslands could not be brought under the plow unless the settlers were given subsidies to tide them over the first year or two.

47 The Select Committee wrote to the Court of Directors on 9 May 1770: 'Not a drop of rain has fallen in most of the districts for six months. The famine which has ensued, the mortality and beggary, exceeds all description. About one third of the inhabitants have perished in the once plentiful provinces of Purnea and in other parts the misery is equal.' Bisheshwar Prasad, ed., *Fort William-India House Correspondence: and Other Contemporary Papers Relating Thereto* (Delhi, 1960), 6: 203.

48 Letter of Girbana Yuddha Bikram Shah to Kazi Abhiman Singh Basnyat (undated), published in *Itihas Prakash*, 1 (2012 B. S.): 15.

farmers in north India changed. Zamindars who had lost tenants in the famine began to offer better living and working conditions to tenants who were willing to move onto their lands and farm them. Those who had survived the famine thus found themselves in a position to better their lot, and many farmers moved, breaking in the process age-old bonds to their traditional fields and villages. There followed a period of greater mobility of farm labour in north Bengal, and this created conditions which favoured the recruitment of farm labour for the development of the virgin lands of the Nepal Tarai.⁴⁹

The population and development of the Nepal Tarai depended in these circumstances on the creation of settlement conditions that favoured the tenant and at the same time offered substantial financial rewards to those whose capital investment was required to finance the development effort. What emerged was a programme by which private investors received financial encouragement to invest in the development of the Tarai. Investors were given, under contract, the right to develop one or more villages in a Tarai district.⁵⁰ As part of his contract obligations, the contractor was expected to attract settlers from India or from *birta* lands in Nepal and provide them with sufficient supplies to help them through the difficult period of building a homestead, clearing the lands, and getting in their first crops. As immediate reward, the contractor was given the revenue rights for the area. His own taxes during this period were nominal, sometimes five rupees or less for the first year for this whole development area. As the land began to produce, the contractor's payments to government were increased according to a schedule included in his contract terms. The contractor also received as an added incentive a substantial grant of land as his personal *birta*, for the development of which he was entitled to make use of the *jhara* labour of the new tenants. The period of development was reckoned at seven to ten years, after which time the

49 This process was helped considerably by the Company's standing forth as *diwan* in 1772, an act that introduced great confusion into Indian revenue administration, as a result of which the farmers of Bengal suffered untold hardship.

50 See Appendix B to this chapter for a sample of a development contract (*ijara*). One who holds an *ijara* is called an *ijaradar*.

developed land became government, or *raikar*, land. The contractor, of course, kept his *birta* as part of his profits in the transaction.

The development of Tarai lands under such contract arrangements was a major departure from earlier development efforts, which had relied on the simple attraction of settlers under a three-year remission of taxes.⁵¹ The fact that government turned to it indicates a mounting demand for government revenues, but it also indicates the growth of a propertied class wealthy enough to finance such undertakings. In terms of the growth of national unity, this new concept in land development was as important as the increased revenues it produced. It brought private enterprise to bear on the problem of increasing the total area of cultivated land. Since this was a national objective, it meant that the government had recognized the need of cooperation with private enterprise in the attainment of a common goal and had also found a means to achieve this. The fact that the land became government land on the completion of the contract period meant that revenues from this land would eventually come to the central government and could be used to help defray some of the increased costs of government.

D. FOCUS AND PERSPECTIVE

All of these—the *hulak* system, the munitions industry, the army, and the development of Tarai land—were important contributions to the growth of national unity. They all help to explain why the western provinces of the kingdom were less inclined towards breaking away from the government of Kathmandu than were Kumaon, Garhwal, and other areas farther west. However, we should not be carried away by a false sense of patriotism. The centripetal forces generated by these efforts were not really very strong in a mountainous country like Nepal. They were beginnings. They helped re-orient the thinking of local villager and nobleman alike towards something other than their own

51 The first plan offered only land plus a tax remission for three years. The later plan also included financial assistance during the period of settling-in, including assistance in building shelters, providing food until the first crops were in, plus the provision of seeds. This must be understood, of course, in the context of the times.

very provincial state. In another geographic area they might have exercised an overwhelming force for unity, but in Nepal, where the mountain barriers to real communication and the circulation of the population were so formidable, they were relatively weak. Like individual strands of a rope, any one of them could be broken rather easily. It was the *bharadars* functioning under the king who twisted these strands into a rope and held the country together despite the divisive forces of mountains and rivers.

The very aspect of Gorkhali rule that made it possible for the provinces to relate to the new Nepal and disposed the villager to accept its rule established the *bharadar* in a key position in the government of the outlying districts. Until the *hulak* service was developed, the *bharadar* acted under a broad mandate and according to guidelines from the central administration, but much of the burden of government depended on his own initiative and experience. The growth of the *hulak* service allowed him to refer to Kathmandu far more easily in the solution of difficult cases, and it also allowed Kathmandu to direct his efforts more efficiently in those areas of local government that touched on the national effort. But the one who made the *hulak* system necessary and meaningful in the context of national unity was the *bharadar* functioning on a local level in the name of the central government.

The second criticism of these various factors as effective agents of national unity had more serious implications for Nepal's continued growth in unity after the Treaty of Sagauli. All of these services and programmes had been introduced because of Nepali military expansion in the west. This is immediately clear in regard to the army and the munitions industry, but it applies as well to the *hulak* system and the development of the Tarai settlement programme. There is no doubt that some form of *hulak* service would have developed even if military expansion had not pushed Nepal's frontiers beyond the Mahakali River, and the Tarai land would also have been developed. But without the press of military need, the *hulak* service would never have developed into a first-rate line of communications, and, without the increased financial pressure that military expansion placed on the central administration, it is extremely doubtful if such a creative use of private enterprise would have been made in the settlement of the Nepal Tarai.

E. THE CHALLENGE OF SAGAULI

The Treaty of Sagauli ended the days of Nepali military expansion. From the date the ratified treaty was placed in Ochterlony's hands, the Nepal army was without a military objective and without a sense of direction. No matter how the military might chafe at their own inactivity, they would no longer know the same heady sense of conquest and brotherhood and power. The *esprit de corps* that had grown with every campaign had nothing to nourish it that could compare with the victories of the unification period. *Elan* gave way to frustration, and those who had grown used to victory now knew for the first time the very bitter taste of defeat.

Porters in the *hulak* service continued to perform their duties. They were busy, but they no longer operated under the pressure of priority requirements for the handling of urgently needed military supplies. There would always be a demand for their labour, but the sense of participation in some grand exploit was gone. The arsenal, in the same sense of purposelessness, continued to produce blindly the munitions which would not now be needed.

These were psychological results of Sagauli that helped to spread the sense of loss throughout the hills. Quite possibly this sense of loss also helped the simple villagers to realize that there had been something to lose, and that they had an enemy who was taking something away from them that they vaguely understood was theirs. Defeat has more than once exerted a unifying force on a population. This was undoubtedly true for Nepal as well, because the Nepalis were an independent and proud people. But this slight advantage did very little to offset the blow that the army had suffered, nor could it change the demands that the army would place on the people of village Nepal in an effort to compensate.

These were important results of Sagauli. But Sagauli's real threat to Nepal lay in the territorial demands the governor general made on the Nepal Tarai. He cut away some seven thousand square miles of land that today represents 13.7 percent of Nepal's agricultural land

and produces 35 percent of its agricultural produce.⁵² True, in terms of agricultural output, the Tarai had not then in the early nineteenth century attained such importance in Nepal. But in terms of national unity it was even more important.

These Tarai lands were a major source of the central government's revenues and also provided the *birta* lands that a grateful government had granted in pensions and rewards to outstanding military leaders. Perhaps most important in our present discussion, they also provided the *jagir* lands for many of the *bharadars* who served as district administrators and filled top military posts in the country. If Nepal had a right to expect these men to continue to serve the king and the state loyally, they had a right to expect the prestige and wealth traditionally associated with such loyal service. In Himalayan society, this meant they had a right to land, and such a right could never be fulfilled if the Tarai were lost. The governor general's intention to take this Tarai land according to the terms of the Treaty of Sagauli was a direct threat to the future of these *bharadars* and, through them, a threat to the continued unity of Nepal.

The governor general had become at least partially aware that an outright stripping of the Tarai from Nepal could not succeed. In compensation he offered the Nepal government a subsidy of two lakhs of rupees a year, which would be used by the administration to pay the salaries of these *bharadars*. But money is not land. Even if the sums paid to each of them had been equal to what they formerly had taken from the land, a cash pension would never have the prestige value that land held in the hills. More detrimental still to the future of Nepal was the fact that this compensation would place the central government of Nepal under long-standing debt to the East India Company and include on the Company's payroll *jagirdars* who served in the heart of government. The effect of such a disposition on the decision-making processes of government leaves little to the imagination.

As an added complication, the governor general intended to pay

52 These figures are approximations derived from those supplied by Frederick H. Gaige, 'The Role of the Tarai in Nepal's Economic Development', *Vasudha*, 11 (Ashadh 2025 B. S.): 53-61. Gaige's article deals with the whole Tarai, 9,437 square miles. We are concerned here with approximately 7,400 square miles.

this stipend only to those nobles designated by the Nepal government and only during their lifetime. There was to be no right of transfer. In Nepal, however, *jagirs* were subject to the *pajani*. This annual reassignment (or dismissal) of officers on the basis of their past year's performance was an essential aspect of the Nepali system of government. Just as the *jagir* grant made the post of local administrator desirable, the *pajani* forced the *jagirdar* to a constant awareness that his continuance in office depended on his performance. The combination of the *jagir* and the *pajani* had made possible the wide latitude in administration that adapted the central rule of the new Nepal to the cultural demands of traditional local societies and made Gorkhali rule acceptable in regions as widely differing in culture and tradition as Solo Khumbu and Makwanpur. The governor general's offer of stipends struck at all of this.

In time the governor general initiated moves to restore parts of the Nepal Tarai as a substitute for the two lakhs of rupees that he had earlier planned to pay the government of Nepal. When this offer was finally made, it was welcomed. On the first of March 1816, however, when the Treaty of Sagauli came into effect, no offer had yet been made, and there was little to soften the initial blow that the treaty had given to the spirit of Nepal.

The challenge that defeat in the 1814–16 war represented to the administrators of the Nepal government was not confined to the terms of the Treaty of Sagauli. Military conquest had been the basis not only for territorial expansion but also for the growth of a landed class with sufficient wealth to bring about the economic development of the Tarai, from which future economic development in Nepal would depend. Sagauli effectively interrupted the momentum of Tarai development. Secondly, large numbers of military personnel were now redundant, and it would be difficult for them to find alternative sources of employment in the immediate future. Thirdly, the loss of the provinces west of the Mahakali River not only affected Nepal's self-image, it also meant that the privations endured over many years to finance the conquest of these territories had been futile. Fourthly, the threatened loss of seven thousand square miles of the best agricultural land, and the actual loss of twenty-five hundred square miles of such lands, served

notice on the upper classes in Nepal that government *jagirs* with their prestige and emoluments would be greatly curtailed. The expansion of the *jagir* class was at an end. In fact, some reduction of the actual number of available *jagirs* could be expected. Though the ultimate blow to national unity would be averted by the restoration of about two-thirds of the Tarai, the threat of the curtailment of *jagirs* that was implied in Nepal's new boundaries and smaller army sent tremors of insecurity through the *bharadar* class and contributed heavily to the competition for position that had first begun during the regencies of Rajendra Laxmi (1777-85) and Bahadur Shah (1785-94) and now reached a new level of intensity. This was further accentuated by the fact that there were no longer large stretches of land that could be assigned in *birta* to pension off older members of the *bharadari*, whose experience and prestige would therefore demand that they be kept in government employment for longer periods. There they would maneuver to protect their own family interests, and, by their continuance in office, block the path of promotion to younger candidates for political power.

The sheer size of the package of problems that the Treaty of Sagauli presented to the administration in Nepal had a paralytic effect on many of the nation's administrators. In a situation so totally unfamiliar, it was not surprising that few of them knew how to cope with these problems that required immediate solutions. The demand of the hour was that something be done—almost anything would do—to give a sense of movement and a feeling of purpose to government. The fact that Bhim Sen Thapa and a few of his closer associates reacted more quickly than others is perhaps the only explanation for their survival in office immediately after the defeat. But whether Bhim Sen Thapa, or for that matter anyone then in Nepal, was capable of the type of imaginative leadership the situation called for is something this analysis must yet determine.

APPENDIX A

HULAK SERVICE ORDINANCES⁵³

(Extracts)

From: King Girbana Yuddha Bikram Shah

To: Subedar Bal Bhadra Khatri and Subedar Dharmananda Khabas

We hereby issue ordinances for the direction of your work in the area west of Dharma Thali and east of the Jamuna River. Carry out your work according to these ordinances, without favouritism, and remain true to our salt. Be alert in carrying out the assigned task, which we have entrusted to you.

1. Find out whether those recruited for the *hulak* mail service according to our earlier directives are at their posts or not. In our earlier directives we granted *hulak* mail carriers exemption from the labour tax and the household tax (*serma*) and from half the *saune-fagu* tax. We also ordered that the fields worked by *hulak* mail carriers should not be taken from them. From the 1866 (1809 A.D.) harvest onwards we also grant exemption from the remaining half of the *saune-fagu* tax. We have also made land allotments so that each *hulak* family should have rice land [in proportion to the size of the family]. Send details of whatever arrangements you make according to these instructions and our earlier directives, and we will issue the necessary official documents.
2. From Dharma Thali westward to the Bheri River establish *hulak* portorage centres. Four such centres should be set up for each stage of the road. Twenty families should be assigned to each *hulak* portorage centre. Families doing *hulak* portorage services are exempt from *saune-fagu* taxes and the labour tax. Send us details of the arrangements you make there, and we will issue the necessary official documents.

3. No one, whether he be *guru, chautariya, kazi, sardar, subba, subedar, jamidar, sipahi*, or anyone else, should ask *hulak* porters to carry loads other than military loads or the wounded in either direction along the road unless they have an authorization signed by Kazi Bhim Sen Thapa. If anyone falsely claims that the goods for which he is demanding transport facilities are for the palace, seize him and the goods, and inform us. We will send instructions for his punishment.
4. We have sent special directives to all the *bharadars, subbas, and subedars* in the undermentioned *taluks* with orders that anyone who has committed any act contrary to the terms contained in our directives regarding the *hulak* mail service and porterage service should be apprehended and full particulars sent to us. You should, therefore, promulgate this order in each of these *taluks*:
 - Pokhara (from the Marsyangdi River to the Kali River)
 - Piuthan (from the Kali River to the Sakhi River)
 - Salyan (from the Sakhi River to the Bheri River)
 - Dullu-Dailekh (from the Bheri River to the Karnali River)
 - Achham (from the Karnali River to the village of Kadha in Doti)
 - Doti (from Kadha village in Doti to the Mahakali River)
 - Almora (from the Mahakali River to the border of Garhwal)
 - Srinagar (from the Kumaon border to the Bhagirathi River)
 - Doon (from the Bhagirathi River to the Jamuna River)
14. In allotting land on an *adhiya* basis to *hulak* carriers, assign from twenty-five to forty *ropanis* to each family according to the size of the family. Since four porterage centres are to be set up for each stage of the road, verify yourselves the distance *hulak* carriers are expected to cover in one day, and assign three or four carriers per load according to the length of each stage of the road. Send us particulars of your arrangements, and we will issue the necessary official documents.
15. We have granted remissions [in revenue assessments] to the concerned *amalis* for the *hulak* carriers who have been settled on the land earlier. Send us a list of those officers whose emoluments will be reduced because of the remissions that are granted in accord-

ance with these instructions and the amount of each officer's reduction in emoluments, and we will make the necessary adjustments.

16. Each household of *hulak* carriers is entitled to a remission of up to one rupee in homestead taxes. Send us particulars, and we will issue the necessary official documents.

dated: B. S. 1866, I Ashad, Sudi 4, Roj 7

APPENDIX B

SAMPLE DEVELOPMENT CONTRACT FOR VIRGIN LANDS DEVELOPMENT⁵⁴

We hereby grant a contract to Ambar Singh Das for the development of the unsettled virgin land in revenue district Potari, in the *praganna* of Majhuwa of Saptari District for a period of ten years, from 1867 Baishakh to 1876 Chaitra. With the exception of royal levies, we grant the right to the land tax; customs duties; the tax on river and forest products; the levy on marriages; the levy on communal facilities [pasture lands, etc.]; escheat properties; and judicial fines other than fines for major offenses. Attract settlers from *birta* lands or from India. Settle them in villages on suitable land. Register their holdings with the *amali* of that region along with the regular tax assessment on their holding. Pay your assessed tax and receive your receipt. Severe punishment will be meted out to anyone who removes farmers from government land to settle or farm another plot of land and thereby causes a reduction in government revenues.

<i>Year</i>	<i>Tax Schedule</i>		
	<i>Land Tax</i>	<i>Increase¹</i>	<i>Total</i>
1867	Rs. 5.00	—	5.00
1868	5.00	1.25	6.25
1869	6.25	3.13	9.38
1870	9.38	7.03	16.41
1871	16.41	16.40	32.81
1872	32.81	16.41	49.22
1873	49.22	18.45	67.67
1874	67.67	16.91	84.58
1875	84.58	10.56	95.14
1876	95.14	5.94	101.08

⁵⁴ Bhim Sen Thapa Documents: 1/314–295–96. An *ijara* is a contract for the collection of revenue, development, exploitation of mines, etc.

CHAPTER THREE

HOME AND HEARTH

If the citizens are wealthy, the country is strong. The king's storehouse is his people.¹

Soldiers must go home. When the clash of war ends, the soldier furls his battle flags and sets out on the long journey back to the ways of peace. The healing process begins even as he strides along the trail. Memories of once familiar camp life fade as well as those more haunting memories of moments of fear and courage. Slowly, the long marches, the tedium of waiting, and the tensions of pre-battle nerves blend into one another, until only the sharpened memory of a moment's desperate struggle stands out starkly against the merging shadows of yesterday. And even this fades. The human heart adjusts quickly from its momentary role of violence to the quiet that is its proper home. Time heals, and the rhythm of everyday life suppresses the clamour of battle and the memory of weapons stained with war. Even the garrulous veteran is hard-pressed to tell the story as it really was and falls back on the safer themes that memory provides. So nature, in its own soothing way, heals the wounds of war.

But war leaves other wounds that man himself must heal. The cost of war must be paid. The wastage written off. The economy built anew. For the law allows no exceptions. The cost of war is divided between the battlefield and home. Some of it must be paid on demand in blood. The greater part must be paid in toil by installments over months and years and generations. The soldier returned from war must first adjust to the gentler ways of peace, but he soon learns that the struggle is not behind him. There is work to be done, and his days of glory do not exempt him from the humbler tasks that lay at hand.

1 Prithvinarayan Shah, translated from the *Dibya Upadesh* in Ludwig F. Stiller, S. J., *Prithvinarayan Shah in the Light of Dibya Upadesh* (Kāthmandu, 1968), p. 43.

The Nepali veteran returning from Makwanpur to his native home and hearth had to estimate and pay the cost of war. In this case the cost was high. The trail that had led to Makwanpur had been long and expensive. Honest toil would pay some of this during the years of his lifetime. But the wounds to the economy lay deep, and long after the generation that had fought the British at Makwanpur had left this life behind them, the people of Nepal would continue to pay the price of their national unity.

A. VILLAGE NEPAL

The Nepal–East India Company war had done no visible damage to the villages of Nepal.² Nor had the battles of the long period of unification in the country. It was the steady burden of government and the increasing costs of war that had laid their hands on village life and produced hardship that increased almost imperceptibly as the period of unification drew to a close. No one could point to a certain time and say that this was the turning point. Decisions seemed to grow naturally out of the circumstances that developed, and each of them seemed the best decision to make at the time when it was imposed. It was the cumulative effect, the layer upon layer of slightly increased burdens, that had made life what it was in village Nepal in 1816. But the soldier, or anyone who had been out of the village milieu for a time, could easily see the difference.

1. Kut Rents

In an agricultural society, the whole level of village prosperity depends on the level of agricultural taxes and land rents. In village Nepal, the traditional tax on government lands and the rent for tenure on *birta* and *jagir* lands had been half the crop.³ When the harvest

2 The battle of Makwanpur Ridge is the only recorded battle in the Nepal–East India Company war that was fought for the control of a village inside of Nepal proper. The Company's army did destroy some crops in the central Tarai during the war.

3 The *adhiya* system was explained in chapter one. Briefly, it was a revenue system based on equal sharing of the crop between tenant and state or landlord.

was in, the tenant and his landlord (government, military company, or *birta* owner) divided the harvest equally. This rent was high, but it had many elements to recommend it. First, it was fixed. The farmer knew from year to year what he must pay and that his tenure was reasonably secure as long as he paid it. Secondly, it was flexible both in years of drought and years of plenty. If the crop was bad, the hardship was borne equally by farmer and landlord alike. If the crop was good, both rejoiced. Thirdly, rents could be controlled. The *adhiya* system prevented any escalation in rents that might leave the farmer with less and less of the fruits of his toil.

However, landlords were not totally satisfied with this system. Both the government's central administration and *jagirdars* felt that rational government processes required some guarantee of the revenues they could expect. Under the *adhiya* system, revenues were too dependent on the weather and the unpredictability of the crops. As long as revenues and rents were permitted to fluctuate with the weather, there could be neither a fixed income nor a guarantee that in a given year there would be any income. A second area of dissatisfaction, at least among landlords, was that the system was static. It contained no incentive for the farmer to improve his crop or reward him for maximum effort. If, however, the rent-level were fixed, they argued, both purposes would be served. True, the farmer might have to work hard to ensure his ability to pay his rent. However, anything over and above that rent-level, no matter how much more it might be, would belong to him. The argument was specious, of course, because the two goals were not necessarily complementary, but there was a certain plausibility about it that appealed to the central administration. Thirdly, not all the dissatisfaction with the old system was on the side of the landlords. There was at least one aspect of the old system of determining rent-levels that seemed unfair to the farmer himself. Farmers who were fortunate enough to be tenants on fertile and well-watered land were able to produce more and had more to show for their labour at the end of the season. The poorer farmer worked harder and produced less, and there was nothing he could do about it. As long as the farmer with better land paid his rent (and his better crops assured him of a continuing ability to do so), his tenure was secure. There was thus no

way a farmer with poorer fields could hope to improve his status by gaining access to more fertile fields.

About 1804 a new system of rent assessment began to appear that gradually took hold and became the system normally used in the hills and Kathmandu Valley.⁴ The new system, called *kut*, assigned lands on a contract basis. The *kut* system introduced a note of competition into land tenure. Under contract conditions, farmers who were willing to pay higher rents had access to better lands, unless those who already farmed such lands were willing to pay more. Obviously, this system pleased the landlords. Rents were higher, and they were taken before the farmer received his share of the crop. The new system intended to provide both government and landlords a guaranteed income for the first time and also to insure higher revenues from the land.⁵ The growing grain markets provided an important corollary to the system. Landlords with higher grain revenues were better able to profit from this market, and this encouraged them to further enhance rents.

The *kut* system was apparently an economic advance that injected a more dynamic, competitive spirit into the agricultural economy and helped to develop a growing trade in grain. It is quite possible that no other arrangement could have achieved both of these ends, which were important to the economic growth of the new Nepal. It is equally possible that no other system would have encouraged the farmer to produce more, given the social attitudes of village Nepal, whose economic concepts were still those of the mini-state society that had formerly prevailed.

The whole *kut* system, however, ignored the human factor. No one seems to have realized that, though there were instances of maladjustment in the old system, most farmers were already producing all

4 M. C. Regmi, *A Study in Nepali Economic History* (New Delhi, 1971), p. 86.

5 This question of guaranteeing and maximizing revenues deserves far more attention than I have been able to give it here. Why, after centuries of the *adhiya* system, did it suddenly become important for *jagirdars* to obtain the highest possible revenues from their holdings? *Jagirdars* of the higher orders and *birta* owners must have found some new outlet for their wealth. The introduction of the *kut* system signals a new movement in Nepal's economy that has not been adequately analyzed, a quantum leap in the economy that would in time have a strong influence on the economic stratification of society.

they could produce.⁶ Any substantial increase in revenues from the land had to come from the farmer's already narrow margin of security. And this fact is fundamental in any explanation of the condition of village Nepal that the returning veteran encountered. For a time, of course, the farmer could support this new economic pressure in the hope that he could eventually improve his lot. In fact, many farmers *were* able to upgrade their land-holdings by paying higher *kut* rents for better lands. But once the farmers of the hills entered the system, they entered upon an inflationary curve in land values. Higher rents could, under the *kut* system, become progressively higher, and they did. At the same time, the total land-holdings of the nation were producing relatively little more than they had been producing before. There were no new farm techniques, nor could increased labour add substantially to the crop. The only really new sources of agricultural income were the virgin lands that were being brought under the plow, and the development of such lands in the hills was a very difficult task that yielded relatively low returns for the farmer's labour.⁷ Total revenue demands on the land increased. Total produce from the land remained more or less constant. Caught in the resulting squeeze were the farmers of Nepal. The defects of this system were not readily apparent at that time, but this does not minimize the fact that they were operative in Nepali society at the time and were leading the farmers of Nepal, especially the farmers on the lower-yielding hill lands, to gradual but real impoverishment.

At times even this burden increased. Military companies assigned to the front were often authorized by government to demand loans from the tenants on their *jagir* lands.⁸ This seemingly useful device for advancing funds to the soliders for their march to the front had several serious drawbacks. Such loans were required only in the off-season.

6 One could surely debate this statement. But the results of the *kut* system speak for themselves. Some individuals may have been able to improve their economic position greatly by taking advantage of the provisions of the *kut* system. Society as a whole, however, definitely suffered, as the growing incidence of rural indebtedness and slavery indicate.

7 Development of new lands in the hills meant terracing, and, in terms of man-hours of labour, this is an extremely costly process.

8 Bhim Sen Thapa Documents: 4/8/17; orders to the Naya Gorakh Company to proceed to the front (Kot Kangra), dated 1865, Kartik (October 1808).

when there was no harvest. However, at any time other than the harvest season the farmer had nothing to sell to raise the money he was required to give as a loan. He thus had to go into debt himself in order to acquire the funds that were demanded of him. This added greatly to his burden, because the military paid a special rate of five percent interest on the farmer's loan to them,⁹ but the farmer had to pay *at least* the statutory interest of ten percent per year to the money lender.¹⁰ At best he could expect a five percent loss. But no commentator on social and economic conditions in Nepal at that time would accept the statute that limited interest charges on cash loans to ten percent per year on the principal as anything more than an ideal that was frequently promulgated but rarely attained.¹¹ In fact, the very frequency of government's repeated efforts to enforce this rate of interest is the best possible proof that at the village level there were ways and means of circumventing this point of law. We can be almost certain that the villager paid considerably more than ten percent on his loan, and so his loss was all the greater.

The erosion of the villager's economic position that began when the *kut* system was introduced was intensified dramatically when contracts under the *kut* system required payment in cash rather than in grain.¹² Had cash been readily available in the districts of Nepal, there would have been little problem. Grain had a value, and it could (at least in theory) be converted to cash. In point of fact, however, money was scarce in the till economy. There had never been any great need of cash in the simple economies of the mini-states, and there was no system of markets and bazaars in the central hills where the farmer could readily turn his crop into cash. When cash payments were demanded, the farmer had to pay a higher price in grain to obtain the cash he needed, and this further depleted his reserves or drove him into debt.

9 Regmi, *Economic History*, p. 98.

10 See the instructions to *bicharis* ('judges'), no. 3, given in chapter six below.

11 Regmi, *Economic History*, pp. 98-99.

12 This desire for cash should be considered in the same light as the changes in the Nepal economy suggested in note 5 above.

2. Bondage

The gradual development of the concept of *kut* rents and the increasing demand for cash payments from the farmer forced him to search for cash wherever it could be found. The most obvious resort was the money lender.¹³ But even this solution was not as simple as it may sound today. The farmer faced an almost impossible situation. Today, when a farmer needs cash, he can take a loan against his crop and pay off the loan when the crop is harvested. This supposes, of course, that the farmer will retain enough of his crop after the payment of rents to pay off the loan as well as to provide for himself and his family until the next harvest. In early nineteenth century Nepal, when the level of rents had already driven the farmer to the subsistence level, there was no possibility of the farmer's discharging the principal of his debt in one season. Interest also had to be considered. A loan presupposes the payment of interest, and interest rates were high on the village level. Repayment of the loan, then, could be expected to take a far longer time than one season, and the longer repayment was delayed, the less attractive the proposition would be to the money lender or the landlord, who consequently either increased the interest rates or refused the loan altogether.

Another alternative that suggests itself, and the one that would be commonplace today, would be for the farmer to mortgage his land. However, in early nineteenth-century Nepal, the farmer owned **no** land. All he possessed were tenancy rights on the land, and these, too, were contingent upon his regular payment of rents. But it was precisely his inability to pay those rents in the form in which they were demanded that forced him to seek a loan. The farmer thus had absolutely nothing to mortgage.

The only thing the farmer really had to offer in guarantee of a loan was his own labour and the labour of his family. He was thus

13 Who were these money lenders? They could only have been either merchants, *birta* owners, or the wealthier *jagirdars*. In the absence of any substantial trade in the hill regions, it seems unlikely that they were merchants. The money lenders must, consequently, have been members of the *birta* owning or *jagirdar* classes. It seems quite possible that there is some connection between this fact and the developments suggested in notes 5 and 12 above.

forced to resort to the ancient practice of bondage. He placed a son or daughter in the household of his creditor to work for him until the money could be repaid. This system dates from Vedic times,¹⁴ and its appearance in Nepal cannot be attributed to the period of Nepal's unification. However, the traditional system of bondage certainly received a strong impetus from the increased monetary demands being made on the villager in the hills of Nepal at this time, and one of the main factors in these increased demands was the introduction of *kut* rents.

Bondage need not necessarily have been a grave social offense. It was an obvious buffer to some of the harsher realities of the economic system, and it is quite possible that the lot of many of those who served in bondage was better than it would have been had they remained in their own homes. However, its existence, and certainly its growth, was a clear indication that somewhere there was inequity in the system. The very acceptability of bondage as a temporary solution to these inequities suggested even further unfortunate consequences. The step from bondage to real slavery is very short, and this step, too, was taken with increasing frequency in early nineteenth-century Nepal.¹⁵

3. Slavery

There is always a danger in mentioning either bondage or slavery. In the present discussion, the danger is sufficient to warrant a digression. The modern reader tends almost automatically to equate

14 Bondage has been used in one form or another in most countries in the world and in almost all periods of history. It is not the system of bondage that is the point of our remarks here but the *increase* in the incidence of bondage, which indicates a sharp change in the villagers' economic position.

15 There is no question, of course, of providing statistical data to prove the increase in slavery during this period. We know that a sharp increase was recorded in Garhwal and Kumaon under the *jagir* system, so much so that it was this above all other reasons that caused Harsa Dev Joshi to side with the British in the Nepal–East India Company war. And the same revenue system prevailed throughout Nepal. Undoubtedly, the pressure was felt more keenly in those areas closer to the Kangra front, but it was also felt in Nepal proper. We also know that the problem became sufficiently acute that Bhim Sen Thapa felt obliged to react against it. See Chittaranjan Nepali, *Janaral Bhim Sen Thapa ra Tatkalin Nepal* (Kathmandu, 2013 B. S.), pp. 185–91.

either bondage or slavery with the stories of abuse of such forms of labour that have gradually dominated the literature on the subject. Perhaps this a healthy sign that men and women today are beginning to realize the evil inherent in the domination of one human being by another. But this tendency, however laudable, makes it difficult to see this social phenomenon in its own historic setting where one may evaluate the causes of the social disorder.

From the outset it must be said that slavery is slavery. No discussion will whitewash an institution that is in itself a social evil. However, in fairness to our Nepali forebears, it must also be said that there was a qualitative difference between slavery as it existed in Nepal and the slavery that was introduced in other areas in the world to provide cheap labour for plantations. The conditions that favoured such exploitation of slave labour simply did not exist in Nepal. This is not to say that the slave's life in the hills of Nepal was easy. Nowhere in the hills was life easy. It is very doubtful, however, if the slave's life was one of greater hardship than the life of the freeman of the same class working in the same occupations. There were certainly exceptions to the general rule. There were cases of slaves being sold into India for work in coal mines and similar occupations where living and working conditions were exceptionally harsh and had to be endured along with the pain of being sent out of one's native land.¹⁶ Such practices existed, but they were considered an especially grave social offense even at that time, and it was one of the weaknesses of the decentralization of government that the practice could not be eliminated altogether.¹⁷ There were also cases of families being permanently separated or being deprived of their familial rights. These cases may have been considered abuses of the system, but they cannot be separated from the institution of slavery, since domination gives the right to dispose. The fact remains, however, that even these abuses do not place slavery or bondage as they existed in Nepal on quite the same plane as the more

16 See sections 3 and 7A of Chandra Shamshere's law abolishing slavery.

17 This is Chittaranjan Nepali's view in *Bhim Sen Thapa*, p. 185. As we shall see, however, slavery was a necessary outlet for the pressure imposed on village Nepal by the introduction of the *kut* system and the transition to a cash payment of taxes and rents.

highly publicized versions of slavery.

Quite naturally, in an area where documentation on social conditions is meager, there is not a great deal of information available on the subject of slavery and the treatment of slaves. One cannot say definitively that any given description is an adequate portrayal of the institution and the lot of the slave. However, from what is known of general living conditions in the hills and the types of work that had to be performed, as well as the fact that the slave in Nepal was normally someone from the same locality as the owner (with all that this implies in terms of friendships, associates, and relatives), it seems safe to assume that the living conditions, working conditions, and the tasks assigned to slaves in Nepal did not materially differ from those known by freemen in the same locality in the same social class. What made the slave's lot in Nepal harsh was the denial of the normal solace of family life and the freedom of movement that is today considered a basic human right. As all generalizations do, this one ignores the abuses that were found in the system, but it does conform more closely to the facts than a statement that focusses exclusively on those abuses. The picture that emerges from this generalization also agrees with the detailed and rather rhetorical presentation of the evils of slavery in Nepal made in November 1924 by Prime Minister Chandra Shamshere in his speech advocating the abolition of slavery in Nepal.¹⁸

The fact that slavery in Nepal was not as harsh as it was in other areas does not alter the fact that it was slavery. Nor does it change the fact that slavery was a product of a socio-economic system that forced men and women to accept this as a solution to the economic pressures under which they laboured. Slavery was a social evil in the sense that society accepted it as a response, extreme but valid, to the question of indebtedness. But slavery had its roots in an economic system that put undue pressure on the farmer. If the analysis is carried further, it becomes clear that the primary cause of this increased economic pressure lay in the escalating demands that the military forces of Nepal were

18 Chandra Shamshere, *Kariyahaarulai Amalekh Garaune Barema Bakseko Spich* (Kathmandu, 1981 B.S.), pp. 21-25.

making on the economy from 1804 to 1816.¹⁹ Some of this increased demand was certainly the result of the preparations made in Nepal for the war with the East India Company. But not all. There is strong indication that the basic cause of the increased pressure was the westward expansion of the country, and perhaps the largest single drain on Nepal's resources was the long and fruitless siege of Kot Kangra in the far west.²⁰ Coming as it did immediately after this, the Nepal-East India Company war added greatly to the national economic burden. This is certain. But it is important to realize that it was not just a war with the British, which may not have been easily avoided, that was causing much of the burden, but the westward expansionary thrust, which was certainly avoidable. To forge ahead with this expansion without weighing the cost in terms of human suffering for one's own people suggests an inability to comprehend the logical consequences of the policy adopted and a basic ignorance of the true state of affairs in village Nepal. This is certainly an indicator we should consider. Whether this was a fault in the system or a sign of inadequate leadership is a question that requires deeper consideration. Indicators such as this, however, should not be ignored in any historical evaluation.

4. Justice

Justice is another area that provides insight into the quality of village life during the pre-war period in Nepal. Here we must proceed with more than ordinary caution. We are severely handicapped by a

19 The renewed Gorkhali drive to the west began in 1804. By 1806 the Gorkhalis had reached the Sutlej River. In 1806 they crossed the Sutlej and began the three year siege of Kot Kangra. In 1809-11 Kazi Amar Singh Thapa returned with his army to the area of the *Barha* and *Athara Thakurai* to strengthen the foundations of Nepali rule there. The Nepal-East India Company war lasted from 1814 to 1816.

20 The siege of Kot Kangra was unique in the experience of the Gorkhali army. Three years, year-round, involving many men who were far from home. The supply lines were long, and, as the testimony of the *hulak* service indicates, they had to be maintained constantly. It was a long, frustrating campaign. It was also fruitless. It was the only extended Gorkhali campaign that did not add territory to Nepal.

shortage of reliable data. No large body of documentary evidence on the administration of justice in village Nepal during this period has yet come to light. Despite this lack of data, Chittaranjan Nepali made the first effort to comment on justice during Bhim Sen Thapa's administration.²¹ He confined himself to the discussion of a few laws issued by Bhim Sen Thapa, which he saw as progressive. He made no effort, however, to go beyond this, either to analyze the actual structure of justice in village Nepal or to define the official attitudes towards justice at the village level. As a result, he left us with a very unsatisfying discussion in which we remained ignorant of the basic realities of justice in pre-war village Nepal.

Baburam Acharya wrote later to provide a background for Prithvinarayan Shah's *Dibya Upadesh* and his administrative orders.²² In describing the system of justice and the working of the courts during Prithvinarayan Shah's time, Baburam developed themes that were based largely on the classic concepts of Hindu polity and law. He went further in this description than had Chittaranjan Nepali, but he failed to present adequate data to show that the structures he described in such detail actually existed in village Nepal or that the courts really functioned as he suggested they did.

Without attempting to define village justice in all its aspects, Mahesh Chandra Regmi advanced the discussion considerably by providing a well-documented discussion of the implications of the *jagir* and *birta* systems on village-level justice.²³ Quite briefly, these systems placed in the hands of the *jagirdar* and the *birta* owner some of the functions of judicial authority and thereby established intermediaries between the villager and the state. These intermediaries had their own vested interests in the very areas where they performed their judicial functions. Also, *jagirdars* and *birta* owners were entitled to consider certain classes of judicial fines as a legitimate part of their income. The documents make it clear that the system invited abuse. Records

21 Chittaranjan Nepali, *Bhim Sen Thapa*, pp. 224-48.

22 Baburam Acharya, *Sri Panch Bara Maharajadhiraj Prithvinarayan Shah ko Samkshipta Jivani* (Kathmandu, 2024-26 B. S.), 4: 649-63.

23 Mahesh C. Regmi, *Land Tenure and Taxation in Nepal* (Berkeley, 1963-68), 2: 6-7 and 3: 11; also Regmi, *Economic History*, pp. 40-41 and 70-71.

also establish the fact that when such abuses were called to the attention of the central administration, an effort was made to correct them. The willingness of the administration to correct abuses, however, was less encouraging than it might seem. The burden of informing the administration of abuses fell upon the villager, and distance as well as labour obligations made it very difficult for the villager to make his case known to the central administration. What appears, then, is a system of justice that is open to abuse and in which the burden of exposing abuses falls not on the administration but on the individual villager.

The abuse of a system does not in itself invalidate the whole system. It does, however, say something about those who used the system and those who supervised it. Students of Nepali history have argued rather forcefully that a system that was open to abuse and unable to police itself was simply a bad system. They insist it should have been changed at that time and it should be condemned today. The point is good, as far as it goes. A more serious view, however, would realize that it is impossible to consider justice, or even the administrative system itself, in isolation. The system of justice that had evolved in Nepal was essentially a compromise that tried to tailor the demands of justice to the equally strong demands of geopolitical reality. It is easily forgotten that any effort to administer justice over districts as widely diverse and as sharply separated by physical barriers from one another as were the districts in post-unification Nepal must be a compromise of sorts.

What Regmi's analysis revealed, then, was a weakness in the politico-economic organization of the country. Regmi did not draw any further conclusions from this, since his interests were primarily economic, but he did indicate forcefully the burden this imposed on the villagers of Nepal. In my own preliminary analysis, it seemed clear that some sort of compromise solution had to be accepted for a time in view of the combined political and geopolitical forces at work in the country, and that this was in effect a conscious compromise along these lines.²⁴ To accept such a compromise did not in any way ignore

24 Unpublished lectures on the economic and social history of modern Nepal, given at Tribhuvan University (Kirtipur Campus) in 1971-73.

or mitigate the burden that the system imposed on village Nepal, but it did tend to excuse it. Students were understandably impatient with this sort of analysis. They felt, and perhaps rightly so, that too often analysis seemed to deny the inequities they knew from documentary evidence to have existed. In this case their impatience has proved to be very fruitful, since continued questioning of the system itself has revealed even greater weaknesses than were imagined on the basis of Regmi's research. The on-going discussion, which would have been impossible without Regmi's fundamental work and continued participation in the discussion, has provided a far more revealing analysis of government's intentions during this period.

In 1971 Dinesh Raj Pant helped the discussion immensely when he published in *Purnima* a most significant document dealing with the administration of justice in the districts of Nepal.²⁵ It dates from 1806. The document contains forty regulations that were issued to guide the investigations of fourteen judicial inspectors. The area of their concern stretched from the Teesta River on the east to the Mahakali River on the west, or approximately the present area of Nepal. An analysis of the topics treated in these forty regulations is instructive. There is some slight overlapping, but in general the categories treated are those shown in Table I.

TABLE I

<i>Subject Matter</i>	<i>Number of Regulations</i>
Land tenure and government revenues	19
Misappropriation of government or religious funds or property	7
Caste offenses	4
Personal rights	4
Bribery and favouritism	3
Disbursement of government payments	2
Gambling and narcotics	1

25 Dinesh Raj Pant, 'Swami Maharaj Rana Bahadur Shah ko B. S. 1862 ko Bando-bast', *Purnima*, No. 24: 238-67. This has been translated with excellent notes in *Regmi Research Series*, 3 (June 1971): 128-37.

Over half of the regulations deal with the subject of government revenues, either directly or indirectly. The three regulations on bribery and favouritism are treated in a manner to indicate that the government's primary concern was the falsification of government records in favour of an individual to the prejudice of government interests (which is closely related to the subject of government revenues). Nine regulations could be said to deal directly with the citizens. Of these, four deal with caste obligations, one is a restrictive regulation, and four deal with the personal rights of the people. Of these last four, one regulation deals with the unjust eviction of a tenant from his household, one deals with slavery, one deals with excess interest on cash loans, and one deals with complaints against the *amalis*, the heads of village-level administrative councils.²⁶

2. If, without orders, anyone has evicted an innocent person and taken possession of his house, the pertinent documents shall be scrutinized and the house restored to the rightful owner. After enquiries into the expenses incurred by the tenant for the repair of the house and the rent, deduct the cost of repairs and give the remainder of the rent to the owner of the house. Exact the *salani* fee from the owner of the house and remit this to the palace.

4. Punish anyone who has enslaved the children of our subjects without our order. Set those who have been so enslaved free.

33. If anyone should file a case claiming either that a debtor has failed to pay his creditor sums that are due and for which the creditor is holding promissory notes, or that a creditor has exacted interest in excess of the rate of ten percent, investigate and decide the case. Deduct from the principal any amount taken in excess of ten percent. One-fourth of this sum should be sent to us.

37. If anyone files a complaint in the Shrestha Adalat (court of administrative appeals) to the effect that any *amali* or other local official in the kingdom has committed an injustice, hear the case,

²⁶ The role of the *amali* changed considerably over the years 1775-1839. I accept here the definition supplied by Regmi, *Land Tenure*, 2: 165: 'the head of the village council in Nepal's ancient village administration system.'

obtain a confession, and settle the case. The fines, and the fee from the winner of the case, should be sent to us.²⁷

In one respect these four regulations cover everything: the farmer's right to his house, his right to be free, his right to honest interest charges, and his right to fair treatment at the hands of the *amali*. Looked at from another point of view, however, the same regulations deal with the extremes of injustice: dispossession, slavery, and interest charges higher than the already high charges permitted by law. One might well ask what social conditions prevailed in village Nepal that gave such importance to these three social evils? The very fact that they could attain such prominence indicates the limited powers of the village council to protect the members of the village against unjust exactions and pressures. In view of what is known of the rights and prerogatives of the *jagirdars* and *birta* owners, it seems safe to say that the village labour demands and unreasonable rent charges oppressed the farmer and forced him to the point where dispossession, slavery, or the money-lender became real factors in his life. The regulation dealing with the villager's right to a fair hearing in the village council, which would seem at first reading to be a reasonable outlet for such complaints as he had, does not on closer inspection reveal any such safety valve for the pressures of village life.²⁸

Nowhere in the forty regulations does there appear a concern for the normal relations between tenant and landholder. Nowhere are the members of the investigation team instructed to look into the possibility of unjust demands made on the tenants. Nowhere are they empowered to hear complaints against unjust exactions imposed on tenants by *jagirdars* or *birta* owners. Nor, despite the wide field of investigation assigned (from the Teesta River to the Mahakali River), is there any indication that they had any jurisdiction at all on *birta* or *jagir* holdings. From other extant documents it is clear that the cen-

27 *Regmi Research Series*, 3 (June 1971): 128-37. The full document is found in Appendix A of this chapter.

28 The two factors that nullified this regulation's effectiveness as a safety valve for the financial pressures acting on the farmer were: (1) the judicial rights of *birta* owners and *jagirdars* and (2) the fact that rents, which were the major problem, were not subjects of law.

tral government was concerned about these aspects of village life. But, if the government considered this a matter of primary concern, it could reasonably be expected that some mention of this concern be found here. It is, in fact, very difficult to escape the conclusion that is suggested by the emphasis in the document itself, that the administration was primarily concerned with revenue collection and that the villager's welfare was significant only in this context.

Lest this opinion seem unjustly harsh, the import of later documents should be considered. In May 1809 many farmers came to Kathmandu from Saptari and Mahottari districts with complaints of excessive rents and oppression.²⁹ Officials were then sent from Kathmandu to investigate these complaints and were directed to have excess collections refunded to the farmers as well as to help the local revenue collector to realize outstanding payments that were due to him. The message apparently was still not understood in Kathmandu. In the following year, word came to Kathmandu that the farmers were deserting the land in Doti, Kumaon, Accham, and Dullu-Dailekh.³⁰ And in 1815 the farmers of Chainpur complained of excessive demands being made on them by the military in that area.³¹

The impression is very strong that complaints were given as much consideration as the central government could give them, but that they were treated as isolated problems. The fact that the revenue system itself was creating these problems seems not to have been a matter of general concern. Had it been, some mention of the tenant-landlord relationship would have appeared in these judicial regulations. As it is, the question of rents and revenues seems to have been of importance only in regard to transactions between the landlord and the state, whereas the financial arrangements made between the landlord and his tenants were apparently considered to be not only outside the scope of village-level justice but even outside the ambit of judicial review. Yet it was in precisely this area that the greatest injustices occurred in village Nepal. It was, after all, unjust to so burden a tenant that

29 Bhim Sen Thapa Documents: 1A/77/40. See also *Regmi Research Series*, 3, (June 1971): 28.

30 Bhim Sen Thapa Documents: 7/967/183.

31 Bhim Sen Thapa Documents: 8/137/320.

either dispossession, the money-lender, or slavery were considered real possibilities.

Recognizing the danger involved in any simplified statement of a complex issue, it still seems reasonable to say that increased military demands had urged the adoption of a revenue system that made greater demands on the people than they could bear. This led on the one hand to indebtedness, bondage, and slavery, or on the other hand, to the outright abandonment of the land, which was the farmer's ultimate response to a system that he found overly oppressive. The government, for its part, was either unaware of the problems that were being created or was unable to do anything to ameliorate the system. Complaints were taken as abuses of the system and not as indicative of the weaknesses in the system itself. Was the administration actually blind to this, or did they simply ignore the implications contained in the complaints that came to their attention?

B. GOVERNMENT CONSTRAINTS

There are several basic facts that demand consideration before any evaluation of government's intentions or performance can safely be considered. Each of these requires a rather sweeping survey of the scene. Yet each of these basic facts reveals an aspect of political life in Nepal that is fundamental to a valid appreciation of the challenge that was involved in the unification of Nepal. Until this time, unification has always been considered from the point of view of the emergence of the Nepali state.³² But what, it might well be asked, did unification mean to the villager? What possible good could accrue to the villager of Nepal in the period immediately after the unification took place?

Fact One

The mini-states that existed in the hills of Nepal before unification were the most efficient economic units that the hills could support. Communications were simple, central government was small, and the cost of administration on the village level minimal. On the other hand,

³² E. g., Stiller, *Gorkha*.

any combination of two or more of these mini-states into one larger unit dramatically increased costs. The farther removed the village was from the centre, the more imperative it was to have some sort of central supervision in the village in the form of a government officer or a government revenue collector. Communications between this man and the centre had to be maintained. And the central government had to be expanded to meet this need plus increased costs in defense and public security. When the area united under one government involved not two or three such mini-states but scores of them, the costs increased steadily. There was simply no way to avoid this. Unification necessarily involved increased costs for administration.

Fact Two

No matter how much territory was brought under the flag of Nepal there was no significant increase in over-all productivity. The wealth of the whole area was essentially agricultural. With the single exception of bringing virgin lands under the plow, there was no way to improve farm yields. It is true that in isolated cases farmers who were not producing to capacity could be encouraged by one means or another to improve their performance. At the same time, however, the hill land was already being made to produce almost all that farmers with the then existing farming techniques knew how to produce. The newly conquered Tarai land could be developed, of course, but this could not possibly give the immediate returns in revenues that became necessary from the first days of unification. No matter how efficiently the Tarai was settled, there would be a time-lag that would delay revenue returns for some years. In the interval, the increased costs of government would have to be paid out of the same pool of agricultural resources that had formerly supported governments that were far more efficient economic units. If the government took more, the farmer had less and could expect less. There is no escaping this fact. If anything, the economic position of the villager could be expected to deteriorate as a direct and immediate result of unification and only imaginative government action or a considerable agricultural development of the Tarai could soften this result. But the second alternative would offer no immediate solace because of the time factor mentioned above.

Fact Three

If anything were to be done for the villager, it would have to come from government itself in terms of a more imaginative concern for the villager's welfare. But here government action was constrained by the concept of government that was commonly accepted in the area at that time. Government had never been expected to show this sort of concern. The government's role was to provide security, to protect and to defend. This the new Nepali state could do, and it was done. But beyond this limited aspect of government (or what *today* would be considered a very limited aspect of government) no provision was made. The most detailed studies have failed to reveal any approximation at all to the more recent trends that require government to assist the villager by organizing the village into a better economic unit. Perhaps the basic concept of government was influenced by the agricultural basis of the society in which it had emerged. The farmer planted his fields, tried not to abuse the land, and expected a crop. Rulers brought new lands under their sway, tried not to abuse them, and expected revenues. This is outrageously over-simplified, but it quite possibly contains a grain of truth. One may search the pages of studies on Hindu polity or study the rites for the coronation of a king; meditate on the *dharma* of the king or whatever will have bearing on this question, and nowhere will it appear that this aspect of government fell within the duties of either king or nobility. Today His Majesty's Government is making a concerted effort along these lines of service to the people of village Nepal, and it is evident that the task is not at all easy. In the light of today's experience it may be considered unfair to have expected government to provide such services in an age when this was not even considered a valid and meaningful task of government.

All three of these facts must be considered in any assessment of the lot of the villager immediately after the Nepal-East India Company war. Each of them is an extenuating circumstance that must be considered before assigning ultimate responsibility for the conditions in which the villager lived and worked. A unified Nepal was a less efficient economic unit than the former mini-states. The increased costs of government and defense had to be paid out of substantially the same pool of agricultural revenues that had formerly financed the

mini-states. And accepted concepts of government placed no pressure on government to help the village to adjust to these new economic burdens. The conclusion is inescapable that in the period immediately after unification the villager had to expect increased financial hardship. Later generations might reap the benefit of unification, but those who witnessed it bore the burden. There could be no real relief for the people of village Nepal until the situation stabilized and the need for heavy military expenditures was eliminated. In theory, this period should have begun on the first day of March 1816. We shall see, however, what actually transpired in the years following Sagauli.

Abuses

This conclusion, that village life in post-unification Nepal must necessarily be more difficult for a time, makes the emergence of abuses in the system seem almost intolerable. There is room for a great deal of real indignation at the realization that heavier burdens were placed on the villagers of Nepal to satisfy the personal and selfish interests of a few. There were abuses.³³ There were abuses of all varieties, as there are wherever men come together in political compact. And these abuses were harmful not only to the individuals who were directly involved, but also to the national weal. But no amount of indignation or criticism today will explain why men resorted to such conduct, why such conduct was tolerated, or what impact this had on the development of today's Nepal. Without passing any judgment at this point on the motives or calibre of those who manipulated the strings of power, it suffices for the present to say that in addition to the hardships that the unification of Nepal placed on the already burdened shoulders of the villager in Nepal there were also abuses to the system that increased this burden and provided a very real challenge to government. It remains to be seen how government met this challenge in the postwar years.

33 See the judicial regulations issued to Kazi Revant Kunwar for the central level *adalat* ('court of appeals'), dated 1874 Chaitra (November 1817), no. 10, dealing with the complaints of villagers coming to the durbar. Regmi Research Collection: 43/79.

C. CONCLUSIONS

A great many misapprehensions concerning the unification of Nepal and the subsequent growth of Nepali unity could be eliminated if the nature of the conquest implied in the unification of Nepal were more clearly understood. There is a very strong tendency to think of the unification period merely as a period of conquest or at least of bringing other states into submission to the rule of Kathmandu. The fact that one or other state was brought under the rule of Kathmandu was important, because, obviously, there would be no unification without this. But the conquest essential to the unification of Nepal was not the conquest of states or of men. It was a conquest of distance and mountain barriers. The conquest of communications. It was the communications barrier that had ultimately defeated all previous efforts to unite the hill states into larger units. And it was the final conquest of the communications barrier, or the failure to do so, that would decide the fate of the new Nepal. This aspect of the unification and unity of Nepal recurs repeatedly, and it would be well to give it very serious consideration here.

The whole problem can best be presented in a series of questions that the Nepali state had to face and answer. Given the means that were available in the late eighteenth and early nineteenth centuries, how does one establish communications in a country like Nepal? Once established, how does one finance such communications? And thirdly, how does one use these communications to establish the most satisfactory form of government to meet the needs of the people and make the whole attainment of unification valuable to their lives?

The *hulak* system and the Gorkhali system of decentralized government were partial answers to these questions. Both were congenial to the Nepali temperament and were realistic in terms of the geopolitical forces that were constantly pulling the hill regions apart. Until 1816, it was impossible to determine whether or not they were a final answer. Up to that time, continued military advances and military activity, culminating in the war with the East India Company, had

exerted a financial drain on the already slender resources of the country that prevented a full and adequate test of the system. This military activity also pre-empted the best talents in the country, with the result that excellent minds were withdrawn from the problems of government to meet the challenge of further military expansion. The mobilization of the population to support the war effort also prevented the nation from exerting its full powers towards the solution of problems that grew directly out of the extension of Kathmandu's authority over such difficult and disruptive terrain.

With the Treaty of Sagauli, the period of expansion ended. At that time rural Nepal was in difficult straits. The financial burden of the war years, coupled with the national preoccupation with military expansion had had its effect on the quality of life in the villages. The task, as the returning military veteran soon learned, would be enormously difficult. But at last the nation, both leaders and people, should have been able to turn their full attention to this struggle.

The national mandate, then, lay clearly before the leaders of Nepal. If the people of the hills and the Tarai were to experience positive results of national unity, the priority was set. Village Nepal must be allowed to recover economically by an immediate reduction in military expenditures, and the communications system must be brought into service to assist in the coordination of economic productivity at the village level with national fiscal and diplomatic policies. The plant had been pruned too closely. It must be allowed to grow once more before it could bear adequate fruit. The performance of government subsequent to this period must be judged against this crying need.

APPENDIX A

*Judicial Regulations*³⁴

Prasasti of King Girbana Yuddha Bikram Shah

To: Subba Madhav Sahi, Srinath Panth, Jagganath Ghimire, Ram Sunder Thapa, Gajadhar Panth, Krishna Ananda Lohani, Krishna Ananda Padhya, Ram Chandra Thapaliya, Ram Chandra Sibakoti, Sribilas Padhya, Karna Bir Adhikari, Hari Narayan Dotyal, Radha Ballabh Padhya, and Srikrishna Panth.

We issue these instructions to direct your work in the administration of law and justice in the area of our kingdom lying between the Kanak-Teesta River on the east and the Mahakali River on the west. Show no favouritism. Accept no bribes. Remain true to our salt. Carry out your investigations in accord with these instructions. If any person within this area of your jurisdiction, regardless of his rank, should file a complaint or a report against you, we shall not act until we have heard your side of the case, and then we will punish the one on whose side we see the fault to lie. Carry out your investigations with full assurance.

1. If anyone has accepted a bribe from the months of Falgun 1860 (February 1804 A.D.) onwards, he shall be made to confess and a fine equivalent to three times the amount of the bribe shall be imposed. If anyone has accepted a bribe before that date and in doing so has caused harm to the king, you shall carry out an investigation and obtain a confession. The one taking the bribe shall be fined three times the amount of the bribe.

2. If, without orders, anyone has evicted an innocent person and taken possession of his house, the pertinent documents shall be scrutinized and the house restored to the rightful owner. After enquiries into the expenses incurred by the tenant for repair of the house and the rent, deduct the cost of repairs and give the remainder of the rent to

³⁴ Regmi Research Series 3 (June 1971): 128-37, translated from Dinesh Raj Pant, 'Swami Maharaj Rana Bahadur Shah ko B.S. 1862 ko Bandobast', *Purnima*, No. 24: 238-67.

the owner of the house. Exact the *salami* fee from the owner of the house and remit this to the palace.

3. Conduct a full investigation and send us particulars in writing of instances in which *bharadars* or *amalis* have remitted *sirto* or other sums due to the government without authorization; instances in which these have been reduced or suppressed on the basis of bribery, nepotism, or favouritism; or instances in which such sums have been misappropriated.

4. Punish anyone who has enslaved the children of our subjects without our order. Set those who have been enslaved free.

5. Lands that have been developed on the basis of a grant of tax exemption shall be turned over to military companies on the expiry of the tax exemption period stated in the grant. If there is evidence that anyone has promised to develop lands, received on the basis of this promise a letter of authorization, and then allowed the lands to lay fallow, enquire into the details of the case. If there appears to have been no obstacle to his development of the land, exact rents at the rate of twenty-five rupees per *khet* per year.

6. Investigate the income from *sera* lands, cattle farms, etc., that are managed for the palace and find out how much of this income has actually come to the palace. Enquire into the reasons for any delay that has occurred in remittances; and fine the one responsible for withholding remittances triple the amount involved.

7. If there is evidence that *amalis*, *ijaradars*, and other revenue functionaries have not made required payments to *jagirdars* and have had their accounts approved despite not having presented receipts for these payments, calculate the sum due to the *jagirdar* and make payment. If the *jagirdar* has abandoned his claim to the money, the sum should be collected and sent to the palace. The *ijaradar* and the *bharadar* who so cleared the accounts without our authorization shall be fined double the amount involved.

8. Enquire into instances where individuals have made unauthorized appropriations of judicial fines for major offenses. Collect this money and send it to the palace.

9. Investigate the amounts that those responsible for revenue collections have collected from the new *pota* tax, the *salami* fee, the

puchali tax on buffaloes, fine on *jaisis*, the fee for copper-plate inscriptions, the fee for the scrutiny of *guthi* endowments, fines for adulterating milk with water, the *gadi mubharak* levy, the fine on profiteering on currency transactions, *walak* levies, and revenue from *Mahant Mandalis*. Ascertain how much has been collected, how much has been misappropriated, and how many tenant farmers have been dispossessed. Obtain a confession if misappropriations have occurred or collections have been concealed. Collect and send the misappropriated sums to the palace, and fine the offender triple the amount involved.

10. If there is evidence that *adais*, officials of the Hitichowk, and others who are responsible for the management of *sera* lands have been using counterfeit *mana* and *pathi* measures and have thereby profited for themselves from collections and disbursements, collect the sums so misappropriated and send them to the palace. Warn the *adais* and the officials at Hitichowk not to use in the future *mana* and *pathi* measures that do not have an official seal on them.

11. If anyone has appropriated for his own use goods either purchased for the palace or sent as gifts to the palace, obtain a confession from him, punish him, and send the misappropriated goods to the palace.

12. If there is evidence that priests have accepted ritual gifts from the palace for other Brahmins and failed to distribute them, obtain a confession, gather the gifts, and distribute them to those for whom they were intended. Those who have misappropriated such gifts or concealed them should be punished.

13. Obtain a confession from anyone who has misappropriated things given for worship or the ornamentation of temples. Repossess the misappropriated items and inform us. Give the items to the temples for which they were intended. Punish the guilty party.

14. If there is evidence that anyone has misappropriated either money or property that belonged to the Malla kings, or, without spending it, has sent it to another party for safekeeping, obtain a confession, repossess the goods, and send it to the palace. Punish the guilty party.

15. If anyone has taken as wife the daughter of a Kasai, a Kusle, a Dhobi, or a Kulu and allowed others to use water which he has touched, he shall confess his offence and be punished.

16. If anyone destroys a rest-house, a roadside shelter, a temple,

or a bridge without our authority and uses the materials for his own purpose, he shall confess his offence and be punished.

17. Audit the accounts of the Office of Mines. If there is evidence that anyone has misappropriated or concealed revenue or suppressed information concerning income, the guilty party shall confess his offence and be punished.

18. If anyone in our kingdom who belongs to the four castes and thirty-six sub-castes, in disregard of the traditions of his caste, takes a relative as wife, he shall confess and be punished according to the gravity of his offence.

19. Ascertain what levies the tenant-farmers throughout our kingdom paid to their former rulers, which of these levies were suppressed and which maintained after these territories came under our rule, which levies were increased and who the *amalis* were who increased them. Gather full details and send them to us. Take such action in the matter as we shall order.

20. Obtain a confession from anyone guilty of taking *chares* and *bhang* or gambling after the year 1860 (1804 A.D.). Punish those who have not yet been punished. Issue a proclamation that in the future anyone who takes *chares* or *bhang* or gambles will be subjected to corporal punishment according to his caste.

21. If any *ijaradar* or revenue official has appropriated for himself judicial fines in excess of Rs. 100.00, he shall confess his fault and be punished.

22. If anyone is guilty of killing cows or bulls (except yaks) in the area between the Teesta River and Garhwal after the territory came into our possession, pays the fines which he had not previously paid, and again is caught killing cows or bulls, obtain a confession and send him to us. Punish *amalis* and villagers who conspire to suppress information regarding the killing of cows and bulls. From this time let there be no killing of cows and bulls. Let it be known that in the future anyone who kills cows and bulls will have his property confiscated and suffer capital punishment. From this time forward the *amali* should put to death anyone who is guilty of killing a cow or bull.

23. Take possession of escheat property of Magars which has been concealed up to this time, unless the right to this property is granted to the *ijaradar* in his contract.

24. In the area between the Teesta River and Garhwal, including Palpa, Gulmi, Argha, and Khanchi, have all *khet* lands which were scrutinized in 1862 (1805 A. D.) and assigned to the army surveyed. If there is evidence that the area is greater than the area mentioned in the official allotment, send us full particulars in writing and take action according to the orders we send to you.

25. Whatever *khet* land remains after making allotment to the army should be surveyed and assigned as we shall direct.

26. If the ownership of *birta*, *guthi*, or other *khet* lands for which there was no documentary evidence was confirmed by inspectors on the basis of the sworn testimony of a person who claimed to be the owner of a neighbouring plot of land, and if there is evidence that this testimony was false and that the inspectors and owners conspired in producing this false witness, confiscate these lands, have them surveyed, and assign them to the army. Punish the owner, the inspectors, and the one who took the oath.

27. Confiscate all lands that inspectors have confirmed after accepting bribes or lands which they have permitted to remain in the possession of others on the basis of nepotism or favouritism. Have these lands surveyed and assign them to the army. Punish those who have confirmed such lands on the basis of bribery or nepotism.

28. Scrutinize *khuwa* and *chhap* land grants and send us particulars of each holding.

29. If anyone has occupied more land than is authorized by his grant, inspect the boundaries of his grant and confiscate the land he is holding in excess of his authorization. Have the land surveyed and assign it to the army. Punish the one who occupied land in excess of his authorized holding.

30. Survey all lands being held on the claim that they are held on mortgage from former kings. If there is evidence that more land is being utilized than is authorized by their documents, send us full particulars concerning the amount of mortgaged land held and the amount of money involved. We will send orders specifying further action.

31. If there is evidence that officials sent to inspect lands have held fields for their own use, claiming that they are *sera* lands, have such fields surveyed and assign them to the army.

32. Send us full particulars regarding the amount of *salami* fees taken by land inspectors on the occasion of the confirmation of land owner's rights to their holdings. We will send orders specifying further action.

33. If anyone should file a case claiming that a debtor has failed to pay his creditor sums that are due and for which the creditor is holding promissory notes, or that a creditor has exacted interest in excess of the rate of ten percent, investigate and decide the case. Deduct from the principal any amount taken in excess of ten percent and send one-fourth of this amount to us.

34. Prepare separate records of the land that has been confiscated since 1861 (1804 A.D.) and 1862 (1805 A. D.) for each *thum*, town, and village. Send us full particulars stating who received the harvests of these two years and to whom they were assigned. Also send particulars stating which military companies were assigned the 1863 (1806 A.D.) harvest and, if it was taken by someone other than the army, who took it. Send these details to us and we will provide instructions for further action.

35. If Brahmins or Chettris have taken liquor, confiscate their goods and deprive them of their caste. If members of other castes who wear the sacred thread other than Brahmins and Chettris have taken liquor, punish them severely and deprive them of their caste.

36. If anyone held lands as *jagir* from the Malla kings and, after these lands came under our rule, continued to use such lands, paying the *pota* tax and claiming them as *birta* lands, punish him. Confiscate the land and assign it to the army.

37. If anyone files a complaint in the Shrestha Adalat (court of administrative appeals) to the effect that any *amali* or other local official in our kingdom has committed an injustice, hear the case, obtain confessions, and settle the case. The fines imposed on the loser and fees from the winner of the case should be sent to us.

38. If any officer has excused citizens from their labour obligation (compulsory and unpaid) and taken money from them, the amount taken shall be determined and sent to us.

39. If anyone holds land granted originally by the Malla kings as *jagir*, *manachamal*, or *sera* and, after our conquest, claimed that

these lands were purchased as *suna birta*, paid the *pota* tax on them, and continued to use them, file a complaint against him, obtain a confession, and confiscate the lands. Such a person should also be punished according to our instructions.

40. Investigate any report that goods have been removed from the palace without our approval. Seize the goods, obtain a confession, and forward the goods to us.

Dated: 1863 B.S., Baishakh, badi 3, Roj 1 (April 1806)

Countersigned on the reverse by:

Bhim Sen Thapa

Sher Bahadur Shah

Bahadur Bhandari

Pran Shah

Bal Narsingh Kunwar

Ranadhoj Thapa

Ranajit Pande

Narsingh

CHAPTER FOUR

PRESERVE AND PROTECT

I took the opportunity on taking leave to express in strong terms the necessity of the Articles of the Treaty being immediately fulfilled, if they wish to give satisfaction to the British Government and if they had any ground to hope for the extension of its liberality.¹

Shortly after three o'clock in the afternoon of 17 April 1816, Gajraj Misra and Chandra Shekar Upadhyaya led Lieutenant J. P. Boileau through the streets of Kathmandu towards the palace. Gorkhali troops lined the streets and came to attention as they passed. Boileau, if he noticed the curiosity and uncertainty his presence aroused, showed little sign of it. With unhesitating step he followed his guides into the palace, up several flights of rough stairs, and then into a long, narrow audience chamber. He suddenly found himself in a room bathed with light. White muslin curtains were hung from ceiling to floor to soften the harsh sun of an April afternoon. The sun's touch on the white muslin gave the room a dreamlike quality of unreality. For the first time, Boileau hesitated as his eyes adjusted to the brilliance of the room. Then realization came upon him with a rush. He was here. His journey was over. And there, at the other end of the room, a gorgeous canopy suspended from four wrought-silver standards marked the throne and provided a splendid setting for His Majesty Girbana Yuddha Bikram Shah, the king of Nepal. As the lieutenant advanced across the room, the young king rose and stepped down from the dais to meet him. Gajraj Misra then introduced the lieutenant to Bhim Sen Thapa and his brothers Kazi Bakhtabar Singh Thapa and Colonel Rana Bir Singh Thapa; and Chautariyas Ranodyot Shah and

¹ Foreign Secret Consultation, 4 May 1816, No. 54: letter of Lt. Boileau to government describing his presentation of credentials, dated 18 April 1816.

Shamshere Shah; and the other principal officers of the state. When these formalities were finished, the lieutenant presented to the king a letter from the governor general of the East India Company to the Maharaja of Nepal appointing Lieutenant Boileau acting resident at the court of Nepal. A few words of congratulations and polite enquiries after the health of the king, and it was done. Nepal had officially received a British resident.²

In the moments of general conversation after the presentation of credentials, Lieutenant Boileau cast his eyes over the assembled officers of the court and decided that Bhim Sen Thapa was the centre of real authority. He moved over to the general and began the long process of trying to fathom the intentions of the man whose mind he must understand and interpret for the governor general. At thirty-seven,³ Bhim Sen was the lieutenant's elder. He was tall for a Nepali, his figure spare, his countenance animated. His eyes revealed a quick intelligence that was not lost on the lieutenant.⁴ As Boileau took leave of Bhim Sen Thapa, he made his first move. He told Bhim Sen that if the Nepalis wished to give satisfaction to the British government, and if they wished to establish firm grounds for hoping that the governor general would extend any liberality towards Nepal, the first task for the Nepalis was the implementation of the articles of the treaty. A blunt, unfeeling, almost challenging statement of their respective roles. Bhim Sen Thapa listened politely but said nothing. Nor did his face betray any hint of the thoughts that played in his mind. With the unfailing courtesy of the Nepal durbar he bade farewell to this young officer who enjoyed the confidence of the governor general and was as well General Ochter-

2 Lt. Boileau was, of course, only acting resident. He was not the first British resident in Nepal. Captain Knox had served as resident to the court of Kathmandu in 1802-3. The details of the ceremony cited here are taken from Boileau's letter to government mentioned in note 1.

3 Boileau gives Bhim Sen Thapa's age as 37 in 1816. Hodgson, cited in Bikrama Jit Hasrat, *History of Nepal: as Told by Its Own and Contemporary Chroniclers* (Hoshiarpur, Punjab, 1970), p. 238, gives Bhim Sen's age as 62 in 1834, which would have made him 44 years of age in 1816. No accurate date has yet come to light for Bhim Sen Thapa's birth, and all statements of his age seem to be approximations.

4 Foreign Secret Consultation, 4 May 1816, No. 54: Boileau's description of the ceremonies attending his presentation of credentials.

lony's trusted aide. If the lieutenant hoped for a response, he had none. The battle of wits was joined, and neither the lieutenant nor Resident Edward Gardner, who replaced Boileau on 22 July of that year,⁵ would be any closer to understanding Bhim Sen Thapa's mind at the end of their tenure than Boileau was at this very moment, as the events of the next two years were to prove.

Lieutenant Boileau was not the only man in that durbar hall who looked warily at the general and tried to unmask the subtleties of his mind. There was not a man in that room who was not aware that Bhim Sen had just lost a major war. There was no earthly reason why he should not be toppled from power. Instead, he stood there in full durbar, under the gaze of the king, talking animatedly with the representative of the victorious general, and not one of his rivals knew where to apply that sudden push or find the right leverage to oust him. And every one of these courtiers, too, would have this lesson hammered home before the next two years were out.

A. BHIM SEN THAPA'S AUTHORITY

One of the most difficult questions to determine in the history of Nepal during the silent years⁶ is the actual extent of Bhim Sen Thapa's authority. How accurate were the British residents' assessments? Was Bhim Sen Thapa actually in total control, as they suggested, or were there currents of opposition and centres of power in the government that restricted his freedom of action? This is a question that historians (and we with them) might well ponder.

5 Although both Edward Gardner and Lt. Boileau wrote to government on 8 July 1816 (Foreign Secret Consultation, 27 July 1816, Nos. 13 and 14) reporting that Gardner had assumed charge of the residency, he had in fact not yet entered Kathmandu Valley and did not present his credentials until 22 July 1816. See Foreign Secret Consultation, 10 August 1816, No. 17: letter of Gardner to government, dated 23 July 1816, describing the ceremony of his presentation of credentials.

6 The years between 1816 and 1837 have hardly been touched by historians. They were relatively calm in comparison with the war years 1814-16 and the turbulence of the years 1837-39. I have settled on the term 'the silent years' in recognition of this fact and to fill a need for an easy term to designate the period covered by this study.

The most detailed document dealing with the internal structure of the Nepal administration at the beginning of the nineteenth century is the copper-plate inscription issued by Rana Bahadur Shah at the time of his abdication in 1799.⁷ This document describes a government functioning under the king (and temporarily in the hands of a regent). The king's immediate assistant was a *chautariya*, always a member of a collateral branch of the royal family. After consultation with the *bharadari*, the *chautariya* was to appoint the *kazis*, who were empowered to direct the work of the central administration. The *kazis* were to be four in number and function as a body.

The Work of the Kazis: . . . During the king's minority all should live in harmony. They should conceal no plot. They should work together with good hearts. Unless prevented by illness all should be present at one court to conduct business. Except in consultation together they should not conduct any kind of business with other persons. Let them not say there is work at home, when there is no such work, or that they are not well, when they are well, and telling such lies stay at home. Let them consult with the royal family before conducting business. Let them seek advice from the military castes on military matters only, but in other matters let them take advice of other people. Put wise counsellors in the court. Let them be industrious. Whatever work must be done, let it be done quickly once it has been understood. Whatever happens, in improving the country, increasing income, and strengthening the country, listen to the opinions of the simple people also and carry out any necessary requests they make.⁸

The *kazis* were thus expected to work under the direction of the

7 The fact of their acceptance, no matter how reluctant it may have been, is easily shown from their signatures to the document. Their mental reservations would be more difficult to show. Later developments in 1799–1800 seem to indicate that a fair number of the *bharadari* accepted their obligation to support Girbana Yuddha quite literally. See Chittaranjan Nepali, *Sri Panch Rana Bahadur Shah* (Kathmandu, 2020 B.S.), pp. 118–23, for the list of those *bharadars* who signed the oath to support the infant king.

8 *Ibid.*, pp. 123–30.

regent and the *chautariya*; to work as a body; and to take advice before coming to decisions: from the military on military matters, from other nobles on civil matters, and from the simple people of the kingdom on matters touching on their well-being.

It is not likely that this copper-plate inscription defined a new role for the *kazis*, in departure from the traditional practices of the Kathmandu durbar. The purpose of the document precludes this. The twenty-two year old Rana Bahadur was abdicating for the sole purpose of establishing his infant son on the throne. This was a sufficient departure from custom to rule out as unwise and unacceptable any major new policy decisions on the structure of the central government.⁹ We can assume with a high degree of certitude that the description this document provides of the *kazis'* functions was merely a summary statement of the role that *kazis* regularly played in the Gorkhali administration with some allowance made for the fact that the new king was a minor.

Rana Bahadur Shah went to Banaras in self-imposed exile in 1800. He returned to Nepal in 1804 and established himself as the power behind the throne, with Bhim Sen Thapa as his advisor. In early 1806 Rana Bahadur had himself named *mukhtiyar*.¹⁰ We do not know what the precise functions of this post were in Rana Bahadur's time or how his appointment as *mukhtiyar* added to the powers he already enjoyed. True, the letter of appointment is all-embracing in its description of the *mukhtiyar's* powers, but this does not explain how the *mukhtiyar* functioned in relation to the *kazis* and other members of the central administration. Nor was there time for the pattern of this interrelationship to emerge before Rana Bahadur's assassination. Most of the

9 It was a great departure from custom for a king not yet thirty years of age to abdicate in favour of an infant son. The whole procedure was sufficiently questionable that it was unlikely that the king would add other novel approaches to government at a time when his major concern was to see his son installed on the throne and recognized as king. It must be understood, of course, that certain measures described in this document were required because the new king was still a minor. See the author's *The Rise of the House of Gorkha* (Ranchi, 1975), chapter ten, for more complete details of this transition period.

10 The *lal mohar* of appointment is published in Chittaranjan Nepali, *Rana Bahadur Shah*, pp. 74-75.

measures that Rana Bahadur introduced after his return from Banaras date from the period before his appointment as *mukhtiyar*. Almost two months to the day after his appointment, Rana Bahadur Shah was assassinated.¹¹

Chittaranjan Nepali has assumed that immediately after the assassination of Rana Bahadur Shah, Bhim Sen Thapa was appointed *mukhtiyar* and implies that he received the same powers that Rana Bahadur had enjoyed.¹² His opinion is based on a statement taken from an 1835 *lal mohar* ('official letter') in which King Rajendra Bikram Shah summarized Bhim Sen Thapa's services to the crown and the state and appointed Bhim Sen commander-in-chief. This statement, even when taken in context, is sufficiently ambiguous to warrant a closer look:

His Majesty, my father, was very pleased with the trustworthy work you performed. He ordered you to do the work of the *mukhtiyar* in the administration, saying he would agree to whatever you chose to do. In order to set you above the *kazis*, since the *kazis* were all equal in rank and there was no special honour in the title, he gave you the rank of general.¹³

Now, Bhim Sen Thapa was appointed kazi in the spring of 1804.¹⁴ He was appointed general in 1811.¹⁵ The documents indicate that,

11 Rana Bahadur returned from Banaras in March 1804. He was named *mukhtiyar* towards the end of February 1806 (late Falgun 1862 B.S.). The most important administrative measure taken after his return from Banaras was the confiscation of *birta* lands from those who held questionable titles, which was initiated in June 1805. Mahesh C. Regmi, *Land Tenure and Taxation in Nepal* (Berkeley, 1963-68), 2: 88.

12 Chittaranjan Nepali has produced the first documented biography of Bhim Sen Thapa in his *Janaral Bhim Sen Thapa ra Tatkalin Nepal* (Kathmandu, 2013 B.S.). It has proved to be an important contribution.

13 Ibid., pp. 245-49: *lal mohar* appointing Bhim Sen Thapa commander in chief.

14 Ibid., p. 252: *lal mohar* appointing Bhim Sen Thapa *kazi*, dated 1816 B.S., Baishakh (May 1804).

15 Ibid., p. 263, note. The *lal mohar* of appointment given in Chittaranjan Nepali, *Bhim Sen Thapa*, pp. 255-63, is, as Chittaranjan points out, actually a *lal mohar* reappointing Bhim Sen Thapa as general in the annual *pajani*, and is dated 1877 B. S., Srawan (August 1820).

until he was appointed general, Bhim Sen Thapa signed documents as a *kazi* and as only one of several *kazis*.¹⁶ King Rajendra Bikram's *lal mohar* seems to imply that whether or not Bhim Sen Thapa was entrusted with the work of the *mukhtiyar* (whatever that actually was in the administration), he held no rank higher than *kazi* until he was appointed general, which was five years after Rana Bahadur's death. The two key documents, the *lal mohar* appointing Bhim Sen Thapa *mukhtiyar* (if, in fact, there was such a document) and the document first appointing him general, have not yet been discovered. Either would simplify the problem of deciding the extent of Bhim Sen Thapa's power in those early years, because they would contain a statement of the powers conferred. In the absence of such documents, we are left to grope for a solution.

The title 'general' is not very much help. It dates from a period when British military designations were introduced into the Nepal army.¹⁷ Prior to this time the standard designations were *kazi*, *sardar*, *subedar*, lieutenant, major, and adjutant in that order. When such titles as general, colonel, and captain begin to appear in the documents, they are used along with the older titles without any clear indication of equivalence. Bhim Sen Thapa's father, for instance, was also called 'general', though he was only governor of Palpa.¹⁸

16 There are numerous documents to testify to this. Several picked at random may be found in Bhim Sen Thapa Documents: 3/748/215 (August 1808); and 4/426/204 (December 1808).

17 These titles of rank begin to appear in the documents during the period 1806-14.

18 The letter rescinding these titles issued after Bhim Sen Thapa's dismissal (Chit-taranjan Nepali, *Bhim Sen Thapa*, pp. 284-85) throws some light on the problem, since it gives the names of the Nepali ranks to which men holding the older English ranks were assigned, but the time element must be considered as well. The titles seem first to have been introduced at a time when military commands were being consolidated and independent military companies were being grouped to form battalions and regiments. The documents make it clear that officers with the older designations (*sardar*, etc.) did not automatically receive a new English designation. It may well be that there was no real correspondence between the English titles and the Nepali titles, and that the order rescinding the English titles introduced equivalents for the first time merely to solve the problem of fitting men who had these titles into the structure and that throughout Bhim Sen Thapa's administration there was no exact equivalence.

Even if we assume that Bhim Sen Thapa was given all-inclusive powers from the time he was appointed general in 1811, there are two very strong reasons for asserting that the exercise of his power was limited. First, the traditions of the Nepal durbar required even the king to consult widely before taking any major action. There were occasional instances where action was taken without consultation. Invariably, however, such decisions led to unrest and confusion.¹⁹ Secondly, Bhim Sen Thapa was a relatively young man whose connections with the royal family were limited to his association with Rana Bahadur Shah. He had no experience of a major military command.²⁰ A man as shrewd as Bhim Sen would have realized that any action he took without wide prior consultation must lead to resentment and opposition in the durbar. He would thus run the risk of isolation, and he would have to assume full responsibility for unpopular measures. As a skilled politician, he had no need to order on his sole authority those things that he could persuade others to support and accept. Even at the best of times, then, both tradition and common political sense would dissuade Bhim Sen Thapa from exercising, without the consensus of the durbar, even such liberal powers as he might hold by virtue of a *lal mohar* of appointment. During those times when the durbar was under special strain, it is doubtful if Bhim Sen Thapa *could* have imposed his will even if he had wanted to do so.

As a final point, we have only to recall that King Girbana Yuddha (1799–1816) reached his majority at the time of the Nepal–East India Company war. This introduced a radical change in the power structure

19 William Kirkpatrick, *An Account of the Kingdom of Nepal* (London, 1811), p. 124, speaks of this aspect of government in Nepal. Three outstanding examples of this confusion can be mentioned. Bahadur Shah's campaign in the winter of 1778–79, which ended in military victory but saw him put out of office; Rana Bahadur Shah's abdication in 1799; and Rana Bahadur's resumption of *birta* lands in 1805–6.

20 Bhim Sen Thapa's early life is still largely unknown. Shamshe Bahadur Thapa, *Rana Bir Singh Thapa* (Lalitpur, 2023 B.S.), p. 21, states that he became a government servant in 1855 B.S. (1798), but this is merely a restatement of Chittaranjan Nepali, *Bhim Sen Thapa*, p. 16 (and *lal mohar* on pp. 254–55), who also states that we can only *assume* that Bhim Sen Thapa held a post *before* Rana Bahadur went to Banaras. The first post we know definitely that Bhim Sen Thapa held was that of commander of Rana Bahadur Shah's bodyguard in Banaras, 1800–4.

of the court. The king was then free to take advice from whatever quarter he wished, and he was open to advice from anyone in the durbar who felt the urge to give it. Also, whether Girbana Yuddha wished to exercise his authority or not, he had the power to intervene in the harmonious relationship that had existed between the regent queen mother and Bhim Sen Thapa since the death of Rana Bahadur Shah in 1806. Bhim Sen Thapa could try to control access to the king, but he could not block all access. Thus, Bhim Sen was obliged to fall back either on a general consensus of the court or the expedient of discrediting the leaders of those groups who opposed him.²¹ In either case, it is clear that he did not in fact have total power.

Bhim Sen Thapa was especially vulnerable during the period immediately after the Nepal–East India Company war. Though the council of war that met in 1814 had agreed to support the war, there had been decided opposition from several leading nobles, and it was well known that the real decision for war was made under the guidance and persuasion of Bhim Sen Thapa.²² He had led the nation to war and to defeat. He must now face the consequences in the durbar. Meanwhile, he must bide his time and rely on political skill and his own shrewd assessment of events and their consequences to forestall any effort to remove him from his position at the centre of government. The events of the next two years were to prove decisive.

B. THE NEPAL–CHINA AFFAIR—1816

Leo Rose, in his excellent book, *Nepal: Struggle for Survival*, has tried to put the Nepal–China affair of 1816 into focus. He accepts the thesis that Nepal's traditional foreign policy was based on balancing India against China. In this context, he sees the Nepal–China

21 As events were to prove, Bhim Sen Thapa relied on both of these means. This is clear both from Lt. Boileau's description of the court found in his letter to government, Foreign Secret Consultation, 4 May 1816, No. 54, dated 18 April 1816, and from later events.

22 The official summary of this discussion is most enlightening. It was published in Henry T. Prinsep, *History of the Political and Military Transactions in India during the Administration of the Marquess of Hastings, 1813–23* (London, 1825), pp. 457–62.

affair as a final Nepali move to gain Chinese support and assistance 'to effect two basic objectives—the withdrawal of the British Resident at Kathmandu and the restoration of part or all of the territory lost in the Sagauli treaty.'²³ Seen in such a light, he concludes that the effort 'could have only limited success, and then only because of Calcutta's reluctance to take positive action rather than any real balance of strength between Nepal's southern and northern neighbours.'²⁴ Dr. Rose's command of the sweep of Nepalese foreign policy is impressive. Nevertheless, there is another interpretation of this affair that deserves serious consideration. Of course, no interpretation of events is a perfect explanation of what transpired. The tyranny of time forces us to rely entirely on documents, and there is no way to reconstruct from documents, no matter how abundant they might be, the modalities of the situation, the conflicting interests, and the subtleties of intent that directed the decisions of the leading characters. Dr. Rose sees the Nepal-China affair of 1816 as a gambit in Nepal's perennial problem of living and surviving between two powerful neighbours. I see it as a crisis, secondary in extent to the crisis of the Nepal-East India Company war, but a crisis nonetheless—a crisis that confronted the leadership of the Nepal durbar, and a crisis that required a positive solution. I also see it as the first stage in Bhim Sen Thapa's struggle to reassert his leadership in the Nepal durbar.

The documents touching on this affair run to well over a thousand pages. The testimony in the documents is confusing, and a valid point of view is elusive. There are letters from Kathmandu to Lhasa, and letters from Lhasa to Kathmandu; reports of the resident in Kathmandu to the governor general and his replies. There are letters between Calcutta and the Chinese authorities in Tibet; and letters from informants in Sikkim together with the replies of the governor general to these. To cut through all of this overlapping, and at times contradictory testimony, I suggest we begin with a few basic facts that can be corroborated from all the evidence assembled.

Fact One: Under the threat of war with the East India Company, the government of Nepal had petitioned the Chinese *ambans* in Tibet

23 Leo E. Rose, *Nepal: Strategy for Survival* (Berkeley, 1971), pp. 95 and 93.

24 *Ibid.*, p. 95.

and the Dalai Lama for aid in the form of money and weapons.²⁵ The Dalai Lama politely declined. The *ambans*' reply was curt, and they refused even to forward the Nepali request to the emperor of China. Money and weapons were requested. They were refused.

Your highness....requested both cash and weapons from us *ambans*, and you requested that we write to the emperor about this. The emperor of China sits on the heads of all. Never has any king of this world been able to damage the wealth or weapons of China. But it is not China's custom to give money or weapons to other countries. Therefore we *ambans* cannot send your request to the emperor.²⁶

Fact Two: The Nepalis embroidered their case. They tried to show that the war was actually a direct threat to Tibet. They said (or someone in government said) that the British had offered a substantial sum of money to Nepal on the condition that the Nepalis allow them to pass through Nepal to Tibet, but that they, like good servants, were resolutely opposing the British army:

You say that though the monsoon is late this year, the English will not fail to attack within four months; that if you do not dispute the road to Tibet with them there will be no harm for Gorkha; that if you give them the road, they will not only consider it a friendly act, but they will pay you sixty or seventy lakhs. We understand what you have written. Up to this time the English have not been enemies of Tibet. Before this foreigners have not come to Lhasa. Why do they now study the road? It cannot be for the purpose of attacking Tibet. Yet they have done this work. Since you remain in the southern door (of Tibet) may your highness, out of your love for the emperor, consider the matter well and tell us what you think. If you do this, you will continue to receive the emperor's favour.²⁷

25 Chittaranjan Nepali, *Bhim Sen Thapa*, pp. 300-2: letter of Chinese *ambans* in Lhasa to the court of Nepal, received July 1814 (trans.)

26 Ibid.

27 Ibid.

Fact Three: The Nepalis then said frankly, either help us or give us permission to accept British overlordship and excuse us from our obligations towards the emperor.

You wrote in your letter that the English with a very large army had invaded your country to the extent of two day's march, and that unless help is given immediately, you will not be able to stop them. For this reason you sent Paniju to Lhasa, saying: "When he arrives there, if you will kindly agree to listen to this report, let the *ambans* please write a letter to the Chinese emperor asking him to give an order to the English to this effect: 'Gorkha has been our client for many years. You foreigners, desist from quarreling with Gorkha. Whatever of Gorkha's territory you have taken, return at once to Gorkha.' Please send such a letter to the English. If you cannot do this, please send a letter quickly telling us that we should respect the English and that we need no longer show respect for the emperor. If this also cannot be done, since Gorkha has respected the emperor from ancient times, let the two *ambans* send a *vakil* [representative]. Let him study our two borders."²⁸

Fact Four: A relatively large Chinese force arrived in Tibet. Agents were sent to the Nepal border to investigate the situation. And Kathmandu was ordered to explain:

We have not asked whether you are fighting with the foreigners or whether you have made peace with them. We are not concerned. Nor will soldiers be sent to your aid. This fact your highness has not realized up to now. We have come to Lhasa with this army at the command of the emperor only because your highness said in an earlier letter that you have been told to leave the Tibet road and also that you were not obliged to send gifts to the emperor. This was supposed to have been told you by certain individuals. Think well and tell us who it was who said this. We have come for this sole purpose, to fight them and to

²⁸ *Ibid.*, pp. 302-4: letter of Chinese *ambans* in Lhasa to the court of Nepal, received April 1815.

burn them to cinders. We have not come to give your country the help that you requested. As soon as you receive this letter, write to us telling us truthfully whether the English told you this or someone in your own country invented this idea that you should leave the Tibet road and not send the emperor gifts. After we have considered your answer we will come with our army to turn them to cinders and completely destroy them.²⁹

These facts seem clear enough and beyond dispute. What interpretation the governor general or the resident chose to put on them was beyond the concern of the Nepal durbar unless that interpretation led to action that was detrimental to the well-being of Nepal. The government of Nepal faced problems enough of its own without being overly concerned with the problems of the East India Company. They had not only lost a war with the unsavoury consequences which that had brought but they also had a Chinese army on their border demanding explanations. Several courses of action were open:

1. *Involve the Chinese.* An effort could be made to get the Chinese to commit themselves further in an effort to extricate Nepal from her plight under the terms of the Treaty of Sagauli. Such a course of action offered little hope to anyone who had a realistic appreciation of the situation, but for those elements in the durbar who found the defeat at Makwanpur a crushing blow to Nepali pride and a threat to the preservation of the country it was an outlet that must be explored.
2. *Admit the Truth.* Nepal could explain diplomatically that it was all a misunderstanding. That they had never really intended to say that the treaty with the British would automatically terminate their friendship with the Chinese emperor. The Chinese could be made to see that the treaty did not threaten their long-standing friendship. The statement about British intentions in Tibet could be quietly ignored or left for the British to explain away.

²⁹ Ibid., pp. 312-14: letter of Chinese *ambans* in Lhasa to the court of Nepal, dated June 1816.

3. *Let the Truth Emerge Slowly*: The Chinese and the British could be left to work out the answers for themselves. The Chinese faced a *fait accompli* as far as British involvement in Nepal was concerned. There was small danger that they would actually invade Nepal under the existing circumstances. Meanwhile it might not hurt the British to realize that there were more factors in the equation than they had at first thought.

a. The Opposition's Option

Kazi Amar Singh Thapa died on 16 August 1816 at Nil Khanta. Prior to his death it had been rumoured in Kathmandu that the old *kazi* was so upset by the defeat at Makwanpur that he had gone to Gosain Khund in retirement from the world. Only after his death did it come out that the *kazi* had gone there to try to negotiate Chinese intervention.³⁰ This as we have seen was one of the options open to the the durbar. It was hardly an option that appealed to Bhim Sen Thapa who saw no advantage in encouraging the Chinese to intervene in a war long since over. At the same time it was pointless to oppose those factions in the durbar who found the loss at Makwanpur intolerable and to be remedied at any cost. No matter how realistic his own appraisal of the situation might be, this initiative on the part of his opponents was to Bhim Sen's advantage in his struggle to maintain his position in the durbar. In fact it made good political sense for Bhim Sen to allow within reason any strong faction at court the freedom to explore alternatives and to learn for themselves the impracticality of solutions that seemed at first blush to be so reasonable. Any overture for Chinese intervention was doomed to failure. The Chinese were not interested in fighting Nepal's battles, and sooner or later they would realize that the British posed no real threat to their interests. If others in the durbar spent their energies learning what was already

³⁰ Foreign Secret Consultation, 24 August 1816, No. 10: Gardner to government, dated 20 August 1816. (Nil Khanta is a reference to the mountains due north of Kathmandu, the Langtang area). See also Foreign Secret Consultation, 2 November 1816, No. 13: letter of Gardner to government, dated 8 October 1816, containing an intelligence report from a confidential agent of Ranjore Singh Thapa.

evident to Bhim Sen Thapa, it could only strengthen his hand in the struggle for leadership that engaged the court immediately after the war.

b. Bhim Sen Thapa's Option

It was evident to Bhim Sen Thapa that the truth would emerge sooner or later. There is no way that such things can remain hidden once one of the parties begins to ask questions. His problem was to decide how soon Nepal must admit to having falsified their description of British interests in Nepal. For a man of Bhim Sen Thapa's temperament, this problem resolved itself easily. Why should he go to the Chinese and tell them he had overstated his case in order to gain their help and then immediately turn around and try to convince the British resident that he was a man to be trusted and therefore the man the British could and should deal with in the future? There was nothing to be gained by this frankness either for Nepal or for his own interests. Far better to allow the truth to come out in its own time. Let the British and the Chinese probe a little, ask some questions, and draw some conclusions for themselves. At the worst they would have a lower opinion of Bhim Sen Thapa and of Nepal. It was quite possible, however, that in the temporary confusion they would yield some point that could be turned to advantage by Nepal, and at this stage, anything that could be turned to the advantage of Nepal was also to Bhim Sen Thapa's advantage.

As the documents dealing with this affair testify, the truth did come out. By November 1816 the Chinese had been satisfied that there was no substance to the Nepali suggestion that the British were interested in Tibet and also that the new relationship between Nepal and the Company had no bearing on the traditional relationship between Nepal and China.³¹ The British learned that the so-called Chinese threat was no threat to their own interests at all and little threat to Nepal. This is exactly as Leo Rose analyzed it, and he concluded on this basis that Nepal had gained little by the effort.

The documents tell another story. From the end of July to the

31 Chittaranjan Nepali, *Bhim Sen Thapa*, p. 305: letter of Rana Bir Singh Thapa to Bhim Sen Thapa, dated: Kuti Pass, November 1816.

end of August 1816 Bhim Sen Thapa or one of his men dropped hints or bits of information for the British resident that slowly enlarged his knowledge of the state of affairs. The resident found himself reporting to the governor general two, three, and even four times a week: summarizing conversations, analyzing, and explaining the position he had taken. The governor general and his council spent an unwarranted amount of time on this subject, even though they had direct communications with the Chinese authorities and their first analysis had been correct. The governor general's involvement reached a peak of intensity with a long, one hundred and three page letter of instructions to the resident stating the Company's position and giving detailed directions for the resident's conduct in each of three eventualities.³² If the Chinese should demand the withdrawal of the residency, he should accede to the demand. If the Chinese should invade Nepal, he should withdraw and await the outcome. If the Chinese should accept the fact that the British had no intentions of dominating Nepal and no thoughts of aggrandizement, he should remain at his station in Kathmandu. During this same period of clarification, the Chinese made it clear that Nepal was not obliged to anything more towards China than to pay respects to the emperor and to send the quinquennial mission.³³ The Chinese recognized Nepal's right to wage war, sign treaties, and maintain independent relations with other countries.³⁴ The governor general, for his part, placed on record a clear statement that

the independence of the state of Nipaul had not been affected in any way by its treaty with the British government which claimed no supremacy over it, exacted no services and demanded no tribute, and that the relations between Nipaul and China whatever they were before had consequently undergone no change in consequence of the affairs having become connected with

32 Foreign Secret Consultation, 14 September 1816, No. 43: letter of government to Resident Gardner, giving instructions for Gardner's conduct in the event of a Chinese invasion of Nepal, dated 14 September 1816.

33 Foreign Secret Consultation, 9 November 1816, No. 17: letter of Resident Gardner to government, dated 24 October 1816.

34 Chittaranjan Nepali, *Bhim Sen Thapa*, pp. 312-14: letter of 'Saichanchun' to the court of Nepal, received June 1816.

those of Nipaul through recent events: that any impression of this sort arising from the establishment of a British Residency at Catmandhoo was entirely unfounded since that arrangement had no other object than to facilitate the adjustment of depending questions and to promote and improve the relations of friendship.³⁵

It is quite true that this statement was made in a secret letter of instruction to the resident in Kathmandu, but it was on *record*. To anyone who is familiar with the British government in India's passion for records, the significance of having such a clear statement of Nepal's true position *vis a vis* the Company must be immediately evident.

C. RESTORATION OF THE TARAI

There is also evidence that Nepal gained materially from the course of action that Bhim Sen Thapa took in the Nepal-China affair. The Treaty of Sagauli had cut off from Nepal three large stretches of the Tarai which constituted practically the whole of Nepal's Tarai holdings. In exchange for this, the treaty granted Nepal two lakhs of rupees a year to be used as pensions to Nepali *bharadars*. The governor general had fought a war with Nepal over the Tarai, and he was determined to have it. Nepali officials, however, made it clear that they could not survive without the Tarai and that they would never accept a treaty that deprived them of it. As a compromise the governor general had decided to take the Tarai and to pay the Nepali *bharadars* the income that they had formerly drawn from the Tarai. This was the decision that was embodied in the Treaty of Sagauli. It did not take long for the governor general to realize that this was a most inane solution to the problem. He had placed himself in the position of a revenue collector for the court of Nepal, or so it must seem to the Court of Directors back in London. Every year these two lakhs of rupees would appear as a debit on the Company's accounts, and every year two lakhs of rupees would have to be found from other sources of income to pay

35 Foreign Secret Consultation, 14 September 1816, No. 43: letter of government to Resident Gardner, dated 14 September 1816.

it. It occurred to the governor general that he could solve the whole matter by accepting the Nepali submission and then returning parts of the Tarai to them in place of the two lakhs of rupees. This was decided even before the first resident arrived in Kathmandu, and one of Gardner's first official acts in Kathmandu was to inform the court of this proposal.³⁶ The Kathmandu durbar was immediately interested in a restoration of the Tarai, but they wanted the restoration of *all* the productive land that had been taken. They discussed the proposal, studied Gardner's maps, but indicated they wanted more. Gardner insisted that this was a gift from the governor general, pure and simple, and therefore there was nothing to discuss and there could be no bargaining.³⁷ He had originally told the Nepali *bharadars* that the new boundary would be drawn roughly four miles north of the most *north-ern* points of the old, pre-war boundary. The Nepalis suggested that this would actually return very little land to Nepal and asked why the new boundary could not be drawn four miles north of the most *southern* points of the pre-war boundary.³⁸ This discussion was fully reported by Gardner to the governor general, who immediately stated that he had no objection to accepting this Nepali proposal and that all he really wanted was a rational and safe boundary.³⁹ In due time the Nepal durbar wondered why payment of the two lakhs of rupees in pensions must be stopped, if the return of part of the Tarai were truly a *gift* from the governor general. They further said that the value of the land to be restored was not equal to the two lakhs, and suggested that if they had to choose, they might well opt for the continuance of the pensions.⁴⁰

36 Foreign Secret Consultation, 23 July 1816, No. 9: letter of Resident Gardner to Government enclosing a draft of the convention for the restoration of the Tarai, dated 28 June 1816. Gardner took charge of the residency on 8 July, but did not present his credentials until 22 July. He mentions that he first informed the court of the governor general's intention to restore part of the Tarai in a letter to government dated 10 July 1816 (Foreign Secret Consultation, 3 August 1816, No. 10).

37 Foreign Secret Consultation, 24 August 1816, No. 11: letter of Resident Gardner to government, dated 4 August 1816.

38 Ibid.

39 Foreign Secret Consultation, 24 August 1816, No. 12: letter of instructions from government to Resident Gardner, dated 24 August 1816.

40 Foreign Secret Consultation, 24 August 1816, No. 11: letter of Resident Gardner to government, dated 4 August 1816.

All of this discussion and correspondence was going on *pari passu* with the heavy correspondence over the Nepal–China affair. The governor general's final concession on the Tarai is dated 14 September, the same day as the final decision regarding the Nepal–China affair. It was, in fact, the very next item on the agenda of the governor general's council. Discussion of item number forty–three on the agenda led to a clear statement that the Company had no desire for territorial gain from Nepal. The influence of this decision on item number forty–four on the agenda, the discussion of the return of parts of the Tarai, is too marked to be ignored. After expressing surprise that the Nepal durbar should hesitate to accept his offer to restore a part of the Tarai in lieu of the pensions, the governor general went on to state:

When the court of Nipaul becomes apprized of the full extent of the proposed restitution as stated in my letter of the 24th ultimo, it is possible that it may relinquish its expectation of receiving the amount of the pensions exclusive of the acquisition of the territory which it will gain. Besides the extension of territory in the tract between the Coosah and the Ooreeah Nuddee it would seem from Mr. Martin's letter to you of the 28th ultimo that no local objection exists to the restitution of the major part of the ceded land of Bhootwul and Sheoraj and even to the further cession of a tract of country lying between the Gunduck and the Tenavee which has never hitherto been occupied by the Nipaulese. It may be hoped therefore that when they find their actual recovery of territory will so considerably surpass the expectations they could have indulged at the time when your conferences with Gajraj Misser and Chunder Secur on this subject of the pensions took place, they will consider those acquisitions as sufficient equivalent for the pensions.⁴¹

There can be very little doubt that the combined weight of the governor general's anxiety to convince the Chinese that he had no territorial designs on Nepal and the bothersome implications of the pen-

41 Foreign Secret Consultation, 14 September 1816, No. 4: letter of instructions from government to Resident Gardner, dated the same day.

sion clauses in the Treaty of Sagauli led the governor general to return to Nepal extensive areas of land in the very region where the border dispute had taken place and to add tracts of land that had never been held by the Nepalis before.⁴² Thornton ascribes this act to the governor general's vanity in as vituperative a piece of writing as may be found in history:

Vanity was the original source of all the error of Lord Moira in connexion with the Nepaul war: it caused him to rush into it without due preparation; and it most characteristically re-appeared, at the close of the campaign, in his notable project of giving the disputed lands back to the Nepaulese: by which act, though it set at nought all the principles of common sense, and converted the war into an idle but dismal farce, he hoped to secure the reputation of being magnanimous and liberal.⁴³

Whether it was vanity or not is a moot question. The end product, however, remains a curious contradiction. Perhaps the more reasonable resolution of this contradiction would ascribe the governor general's final burst of generosity to the direct impact of the Nepal-China affair on the Tarai question. The governor general merely applied the policy which the Nepal-China affair had forced him to clarify for himself and his successors.

D. INTRIGUE IN KATHMANDU

Gajraj Misra had told the resident on several occasions that there was no unanimity in the durbar about the course of action the durbar should follow on any given point. This was the same sort of confusion that Captain Knox had experienced during his very brief residency in 1802-3.⁴⁴ Gardner and the governor general accepted this, even though Gardner regularly reported that Bhim Sen Thapa was in full control of the durbar. This is one of the great myths of Nepalese history. It is doubtful if Bhim Sen Thapa ever enjoyed unfettered power

42 Ibid.

43 E. Thornton, *The History of the British Empire in India* (London, 1843), 4: 344.

44 Stiller, *Gorkha*, 314-20.

in Nepal, and he certainly did not do so in the first fifteen years he was in power. His strength came not from a clear mandate nor even from his total control of the king, as has been frequently suggested. Rather he possessed what David Riesman was to call in later times a tolerant ability to manipulate coalitions.⁴⁵ There were factions in the court of Kathmandu, as there had been since the days of Rajendra Laxmi and Bahadur Shah.⁴⁶ Bhim Sen Thapa's special skill lay in his ability to gauge when it was prudent to let a particular faction have its way and when, after its energies had been spent, to rein it in sharply. During the whole of the Nepal-China affair and the discussions of the restoration of the Tarai, as well as the Nepalese involvement with Sindhia, which will be discussed later, Bhim Sen Thapa had allowed leading *bharadars* to have their moment and their share in postwar decision-making. This diffused some of the opposition aroused by his defeat in the war. It also gave him time to judge the opposition's strength while allowing them to commit themselves fully. There came a time, however, when a more deliberate course of action was possible, and Bhim Sen Thapa showed he was equal to the occasion.

On 20 November 1816, King Girbana Yuddha died of smallpox, and his infant son Rajendra Bikram Shah succeeded to the throne. One week later Gajraj Misra contacted Gardner by private messenger. He sent word that the infant king's mother wished to entrust the king to his (Gajraj Misra's) care. She would openly signify this during the king's installation ceremony by placing the child in Gajraj Misra's arms. The queen mother was doing this, according to Gajraj's message, both because it had been the late king's dying wish and also because the queen mother lacked confidence in any other ministers. The message went on to say that the queen grandmother (and presumably Bhim Sen Thapa) still trusted Ranganath Pandit. As the messenger put it:

The body of *bharadars* or chief people of the state, with the bulk of the people, are represented, however, as very inimical to [Bhim Sen Thapa], and may be considered as ranged therefore

45 David Riesman et al., *The Lonely Crowd* (New Haven, Conn., 1961) p. 211.

46 Stiller, *Gorkha*, pp. 173-74.

with the Raja's mother and the Gooroo [Gajraj Misra], who appear to possess the right on their side and to have the true interest of the Raja and the state at heart; while the executive power, supported by the army, must be considered as with Bheem Syne.⁴⁷

This message was the preliminary move in an effort to present Bhim Sen Thapa and the court with a *fait accompli*. Doing this in the presence of the British resident would carry the implication that the shift in power had the blessings of the East India Company. The governor general had, however, already committed the resident to non-interference, and nothing came of this effort to bring about a realignment of power in the durbar. At this stage it was not clear whether the move had been against Ranganath Pandit, Bhim Sen Thapa, or the queen grandmother. Later events were to show that it was in reality Bhim Sen Thapa who was the object of the maneuver.⁴⁸

In February 1817 the resident was informed through his *munshi* that the Maha Ranee⁴⁹ and Ranganath Pandit would like to bring about a change in the administration to exclude Bhim Sen Thapa from power. In fact, it was said, concrete steps were being taken to bring this about. The suggestion was strong that the resident should support this move.⁵⁰ No more was heard about these steps, but in May of that year additional troops were moved into the capital and quartered

47 Foreign Secret Consultation, 28 December 1816, No. 27: letter of Resident Gardner to government, dated 24 November 1816. Baburam Acharya suggests that this maneuver was really in favour of Bakhtawar Singh Thapa, whom the two queens, Siddhi Rajya Laxmi and Gorakshya Rajya Laxmi, wanted to become prime minister in place of Bhim Sen Thapa. Their effort came to nothing, because Siddhi Rajya Laxmi committed *sati* and Gorakshya Laxmi died suddenly two weeks after her husband. The coronation of young Rajendra Bikram, which should have taken place on the thirteenth day after his father's death was postponed another thirteen days. Bhim Sen Thapa, however, held the coronation ceremony on the sixth day of this period of mourning, and at the ceremony read out the governor general's letter offering to restore parts of the Tarai and the 'royal' message accepting the offer in principle. The story, for what it is worth, is found in his 'Bhim Sen Thapa ko Pattan', *Pragati*, No. 10: 115-22.

48 Foreign Secret Consultation, 29 March 1817, No. 1: letter of Resident Gardner to government, dated 10 March 1817.

49 Ibid.

50 Ibid.

there. Battalions that had formerly been posted in the far west and in the east were brought into the capital, and the resident was able to report to the governor general:

The state of the Durbar is very similar to what it was when I had last the honor of noticing its proceedings to you. Intrigues continue to exist among its members—which occasionally have the appearance of being directed to the ruin of the Minister Bhim Sen Thapa. If such be the real object, however, he has hitherto managed to ward off the blow—and as far as I am able to judge or understand their measures, he continues in the almost uncontrolled authority and management of public affairs.⁵¹

This struggle for power and the political maneuverings that accompanied it would hardly deserve notice, so much are they a part of of political life in any state, were it not for the direction that Bhim Sen Thapa was taking in his effort to protect his position in the state. He was clearly building his power base on the army, which may explain his insistence on maintaining the title 'General.' There is no question that, in a country such as Nepal was at that time, the army provided the strongest possible base for political power. Without a mature king on the throne to direct the affairs of state, real power devolved on the *bharadars*, and the bulk of the Nepali nobility at that time were army officers. This move gave Bhim Sen Thapa the support needed to hold onto his position. It also compromised his postwar reconstruction efforts and obliged him to continue heavy patronage to the army at a time when Nepal could least afford it. In the first three chapters of this book we have seen that increasing military expenditures had imposed a progressively heavier burden on the villagers of Nepal. The Treaty of Sagauli had stripped away roughly one-third of the nation's territory. The continued maintenance of a large army after the war meant that a much smaller area of cultivable land had to support almost the same expenses that had already overburdened village Nepal. At a time when reason urged a reduction in the size of the officer corps, Bhim Sen Thapa committed himself to maintaining it in order to remain in power.

51 Foreign Secret Consultation, 31 May 1817, No. 27: letter of Resident Gardner to government, dated 14 May 1817.

E. ARMY DISCONTENT

Any appeal to the Nepal army in 1816 and 1817 was in itself of questionable value. The army was searching for a role to play in postwar Nepal, and there was none. The lack of military activity drained the army's vitality, and no amount of patronage could supply a remedy for this. When Bhim Sen Thapa began to use the army to support his position in the durbar and ordered troops moved to various places in the capital, he was obeying a dictum as old as military history itself: an army must be kept in motion, even when it has nothing to do. The very fact of motion tends to keep the men of the line alert and helps to maintain discipline.

Army officers, however, need something more than this. Officers order the marching and counter-marching, the parades, and troop movements that are associated with military make-work. They do not take part in them nor do they become involved in them. And there is no place on earth more fertile for the growth and spread of rumours than an idle officer corps. When the leading officers also form part of the nation's ruling class, idle officers are dangerous officers.

This was the state of the army when Bhim Sen Thapa turned to it to support his own position in the state. How long the army could supply support in its postwar condition was doubtful. Restive under the conditions of the Treaty of Sagauli, fearful of a reduction in rank, and uncertain what the future held for them, the officers were hardly dependable allies, and Bhim Sen Thapa was well aware of this. The resident captured the mood of the times in a report to the governor general on 14 May 1817:

There has been some talk of the reduction in the ranks of the officers of the army, but such a measure, I should think, would be a dangerous and impolitic one for the Minister to touch on, as the present feelings of the class, the members of which are naturally much dissatisfied and disenchanted with their fallen condition—and this temper not infrequently breaks out—though it has not hitherto shown itself in any serious way.⁵²

52 Ibid.

There was another element of uncertainty in Bhim Sen's reliance on the army's support. No politician can long court the military without losing the very position that he is trying to protect. A delicate balance has to be kept. One who wants the support of the army must cater to its demands. Otherwise, the army has no reason to support him rather than some other politician. But the army really responds to control, to discipline, and to orders. Ultimately, the only politician who can safely rely on the army is one who exercises firm political control or who is in a position to motivate the army to a sense of discipline and purpose. Bhim Sen could do neither. He was not in firm political control, and there was no apparent way he could motivate the army.

F. NEPAL'S INVOLVEMENT WITH SINDHIA—1816-17

Whether events played into Bhim Sen Thapa's hands at this time or he molded events to suit his purpose cannot be determined on the basis of known documents. Certainly, however, the regular procession of events in the immediate postwar years strengthened the general's hand and left him more a master of the Kathmandu scene after the war than he had been before it. The final step to this dominance was provided by Nepal's involvement with Sindhia in the years 1816-17.

Nepal had been in correspondence with the court of Sindhia since the days of Rana Bahadur Shah's exile in Banaras (1800-4). These contacts had been actively cultivated in the immediate pre-war period, when Bhim Sen Thapa nourished the hope that an alliance with Sindhia and Ranjit Singh of the Punjab could be developed. As events proved, this alliance failed to materialize. In theory, the Treaty of Sagauli put an end to further contacts between Nepal and the native states of India. As a matter of fact, however, they were quietly continued. To any keen observer, and certainly to one as shrewd as Bhim Sen Thapa, it was evident that nothing could come of such contacts. No matter how blustering or hostile the various princes might be, the Maratha leaders had proved that they did not have the boldness and strength of purpose that an active alliance against the East India Company required. There were elements in the court at Kathmandu, however, who found these clandestine contacts stimulating. The promise they held, no matter how faint, helped to relieve the gloom of defeat and

continue the illusion that Nepal might once again play a major role in war against the British. It was not Bhim Sen Thapa's style to interfere with anything that distracted his competitors at court. It is doubtful that he could have stopped these contacts even had he wanted to do so. The contacts continued. Messages passed back and forth between Sindhia's court and the Kathmandu durbar, and some of these were decidedly compromising. Inevitably the British came to know of this communication and actually intercepted some of the messages.⁵³

The British reaction to this forbidden correspondence was mild until trouble began to develop in early 1817 with Baji Rao II, the Maratha *peshwa* at Poona. When the *peshwa* began to circulate appeals for support against the British, the governor general took a second look at the correspondence between Nepal and Sindhia—and asked the Kathmandu durbar for an official explanation.⁵⁴

Matters reached a climax in November 1817, when the *peshwa* openly attacked the British at Khadki in a foolish gesture of defiance. That same day, Sindhia signed over control of his army to the British and promised never to have any further contact with the Pindaris.⁵⁵ With that, the whole correspondence between Nepal and Sindhia became meaningless except as a source of news of the native courts and a cause of minor annoyance to the British. But, as the word filtered back to Kathmandu of the ease of the British victory over the Marathas and the ruthless dismemberment of the Maratha states, fear put its icy hand on the Kathmandu durbar. The resident added significantly to this when he officially informed the court of the details of the treaty with Sindhia and left the court to wonder whether the British would try to impose the same sort of treaty on Nepal.⁵⁶ Those who had compro-

53 Foreign Secret Consultation, 7 September 1816, No. 16: letter of government to Resident Garder referring to the intercepted message, dated 15 August 1816.

54 Foreign Secret Consultation, 19 December 1817, No. 29: letter of government to Resident Gardner, dated 20 November 1817.

55 Foreign Secret Consultation 12 December 1817, No. 28: letter of Resident Gardner to government, dated 22 November 1817.

56 Foreign Secret Consultation, 26 December 1817, No. 87: letter of Resident Gardner to government, dated 9 December 1817; and Foreign Secret Consultation, 16 January 1818, No. 78: Gardner to government describing the Kathmandu durbar's efforts to convince him that the correspondence with Sindhia had no official approval and mentioning that Lalita Tripura Sundari was displeased with Ranganath Pandit for being involved in this correspondence.

mised themselves in the correspondence with Sindhia were exposed as dangerous meddlers. Their futile correspondence and the fear that its discovery had spread through the court gave Bhim Sen Thapa the opportunity he needed to rally the army and establish his power firmly.

Bhim Sen seems to have thrived on uncertainty. The flare-up of war in Poona joined with the British enquiry into Nepal's intentions in carrying on a clandestine (and hostile !) communication with Sindhia provided just such an atmosphere of uncertainty. He skilfully urged that this foolish conduct was an open invitation for the British to renew hostilities with Nepal. He used this goad to prod the army to life, without ever once suggesting that they actually attack the British. Again there were military preparations. Troops were alerted to prepare the defenses. The army on the borders was warned to be alive to the dangers of a surprise attack. Typical of the times was a letter sent to Bakhtabar Singh Thapa of Palpa on 24 November:

We have been informed by you of the assembling of the English troops in the teraee—you are directed to keep on the alert as the English are treacherous and be careful you are not surprised and destroyed by a night attack as Parsuram Thapa was. If the troops of the English are come with any other design, do you keep us informed of this intention in order that the necessary measures may be taken.⁵⁷

On 27 November the resident wrote to the governor general that the Kathmandu durbar had received the news of Sindhia's treaty with the Company with decided coolness and that there was some relaxation in the preparations and designs of the government. He reported in the same letter:

Levies of troops, however, continue to be made, and the military force has gradually been increasing, not only in the valley, but, as I am informed, in other provinces.⁵⁸

57 Foreign Secret Consultation, 19 December 1817, No. 146: letter of Resident Gardner to government forwarding a copy of a letter of Bhim Sen Thapa to Sardar Bakhtawar Singh Thapa.

58 Foreign Secret Consultation, 19 December 1817, No. 144: letter of Resident Gardner to government forwarding items of intelligence.

With this final move Bhim Sen Thapa checkmated for the time his opposition in the Kathmandu durbar. He had earlier turned to the army for support in his struggle to control the durbar. Now he had the means to motivate and control the army. His mastery of the machinery of government was once more secure. As a result of these maneuvers, Bhim Sen Thapa also assumed the burden of governing Nepal and made himself responsible for the welfare of its citizens and the security of the state, both present and future. He would not only determine the solutions of present problems, he would also mold many of the structures, institutions, and attitudes within which future governments would have to function. It was a clever performance that led to enormous responsibilities. A note of caution, however, might well be in order. Recognition of Bhim Sen Thapa's skill in maneuvering the factions at court to achieve his purpose should not obscure a very basic truth. His control of the court was not re-established on the basis of the solutions he offered. His victory was the product of patience, a shrewd mind, and a mastery of local politics. Whether these same qualities would help him to solve the manifold problems that faced post-war Nepal was quite another question. And this is the only significant question that we today can ask of the rulers of yesterday.

G. SUMMARY AND CONCLUSIONS

The analysis presented here has isolated three aspects of Bhim Sen Thapa's activity in the immediate postwar years that are significant in the development of the silent years:

1. Bhim Sen Thapa controlled the durbar by manipulating the various coalitions of forces in the durbar. As a standard tactic he permitted these coalitions to commit themselves to a course of action his own insight told him would be fruitless and then capitalized on the exposed weakness of his opponents.
2. When direct pressure was put on Bhim Sen Thapa by other power groups in the durbar, he turned to the army for support and used the threat of military action and his power to bestow military patronage, to maintain his position at court.
3. When the combination of events in India and British suspicions of the court's intentions created the climate for it, Bhim Sen Thapa

used the fear of possible British intervention in Nepal to enspirited the army in an attempt to revitalize it and give it a new *raison d'etre*. The army thereby became a more pliable tool in his hands, and this gave him a surer grasp of political power in Nepal.

The question that must be fairly faced here is: how valid is this analysis? That this analysis has documentary support goes without saying. The documents have been cited and liberally quoted. But we must go beyond the documents to the basic questions that underlie this analysis, and they are two:

1. How did Bhim Sen Thapa remain in power in Kathmandu despite the fact that he had led the nation into a major war and to defeat?
2. Why did Bhim Sen Thapa not turn to the condition of village Nepal that has been outlined in the first three chapters of this study and take steps to alleviate the conditions that were oppressing the villagers?

These two questions are interrelated. Bhim Sen Thapa was aware of the condition of the villages. The numerous directives to district level officers correcting individual abuses give ample evidence of this. But the only possible way to give wholesale relief from these conditions was to reduce the size of the army drastically. And this he could not do. He was forced by the condition of the court and his own weakened position as a result of the failure of his leadership in the war to rely on the army to provide critical support to his own political power. And in order to make that support more effective while at the same time rendering it subservient to his own interests he capitalized on a situation of confusion and fear to orchestrate a deep suspicion of further British intervention in Nepalese affairs. He was thereby able to portray himself, not as the one who led the nation to defeat, but as the champion of Nepal's independence. In the process he finessed the opposition and re-established his hold on Nepal, a hold that proved to be stronger after the war than it had been before.

Generations of students of Nepalese history have been raised on the assumption that Bhim Sen Thapa remained in power for two reasons: first, because King Girbana Yuddha died shortly after reaching his majority and left a minor son on the throne, and secondly because

posed on all parts of the territory within that boundary the rule of Kathmandu. It did not produce a nation. Before a nation could develop, the peoples of the various districts of Nepal would have to learn to interact not only with the centre but with one another. Under the decentralized form of government that was characteristic of Nepal during these early formation years, individual districts had strong bonds linking them to the centre but few bonds at all linking them to each other. Apart from national projects such as the *hulak* system, the munitions industry, and the army, there had been little change in the local social structures that had once found political expression in the mini-states of a divided Nepal. These social structures continued largely as closed societies. Nor would they emerge from their cocoons, except in response to outside stimulus that only the central administration could supply.

However, the central administration in Kathmandu had inherited from the mini-state governments, as well as from Hindu tradition, only the twin roles of taxation and protection. Neither of these touched directly on the social order. And here lay an apparently unbridgeable gap. The small, disparate, closed societies of the hills had to open out to accept their neighbours, if the nation was to grow, but this could only be brought about by the stimulus of a government whose normal functions protected, but did not interfere in, the social structures of the people ruled. Was it possible to bridge this gap? Quite possibly a man of insight might have found a way to do so that would have been a native solution and therefore a workable one. Prithvinarayan Shah had achieved this sort of insight into the mechanics of unification and unification-period government. There is no reason to reject *a priori* the possibility of a further insight into the character of hill society that would have created a real drive towards national unity. In fact, however, there was no such man of insight, and, in consequence, the nation had to pass through an abrasive and grinding period of learning by experience of the need for intercommunication and intercooperation. Experience was to prove a hard school and would take its toll of the ruled and rulers as well.

1. Trade

The most obvious filip to the growth of regional unity and to the

further goal of national integration was trade, But trade that was conducted only in accordance with traditional practices in the hill regions could produce no greater unit, than it had in fact already produced. Such trade was small-scale, limited to a few items of essential commodities, and based on a north-south orientation.

Nepal was an agricultural society. The vast majority of the people were involved in agriculture, and they produced substantially the same items. There was rice and there was maize and there was millet. There could be some exchange, in theory, between those who produced rice and those who produced maize or millet, since the growing seasons differ. In fact, however, many farmers worked both types of fields and so had access to whichever grain was in season without going outside their own village structures. As for inter-village exchange, what could be exchanged, when everyone produced the same thing? Bad harvests in one district or village would make it necessary to go outside the local structures for assistance, true enough. But bad years are by definition the exception. Life and trade are based on the normal, the average years. And the normal years were dedicated to self-sufficiency.

Aside from grain, the two basic commodity requirements in village Nepal were salt and cotton yarn. Few areas in Nepal supplied these, and they had to be imported. Salt came from Tibet, and was purchased on a barter system that, in the far western reaches of Nepal, has hardly changed to this day. Cotton yarn, where it could not be supplied locally, came from India. This dual need dictated the north-south orientation of trade, which was encouraged by the generally more accessible north-south routes through the mountains. In the simple society of the hills, the demands for either cotton yarn or salt were limited. As Lionel Caplan has pointed out in his study of eastern Nepal, even in these relatively more prosperous times, the allocation of the family budget in 'Indreni' for salt and cloth is relatively low in absolute terms.⁴

If trade were to lead to greater intercommunication and unity, it would have to take new directions. This may have been difficult,

4 Lionel Caplan, *Land and Social Change in East Nepal: A Study of Hindu-Tribal Relations* (London, 1970), p. 80.

but there was no real reason why this could not have taken place. In fact, however, it did not. Trade patterns remained relatively unchanged for the next hundred years. The question is, why?

There was a lack of agricultural surplus. Government taxation rates and rents set by *birta* owners and *jagirdars* drastically reduced the farmer's share of the crop in all years and dropped him below the subsistence level in bad years. The growth in the incidence of rural indebtedness drained off in interest payments such little surplus as the farmer's fields might yield in years of good harvests. Without a steady and reliable surplus of farm products over and above the needs of his own family, the average villager had little to exchange. Of course, the farmer's poverty does not indicate a sudden drop in total farm production. If the farmer had less, others had more, and there obviously had to be someone who had grain that could be exchanged. *Birta* owners and the higher ranking *jagirdars* appropriated whatever surplus agricultural income there was. This agricultural elite could and did take advantage of the expanding grain market,⁵ and they consequently increased their stature in the village because they were in a position to grant loans both in cash and in kind. Far from being a source of growth in intercommunication, however, the resulting village patterns tended to tie the villager even more closely to the local social structure and prevent the opening of the village to outside influences. The *birta* owners and the more important *jagirdars* could come and go, but their increasing contacts with an area outside the village had no impact that was significant on village life or attitudes.⁶ The village remained closed in upon itself, and in this respect it resisted the urge to unity.

5 The existence of this grain market has not yet been directly documented, but everything points to it, including the documents. With the introduction of cash rents, the farmers had somehow to exchange grain for cash, and those who bought the grain in the villages surely acquired more grain than they could possibly use. Where was this grain being moved and sold? These are questions that still require answers, but both point to the existence of grain markets in the hills. Cf. Mahesh C. Regmi, *A Study in Nepali Economic History* (New Delhi, 1971), p. 171, who speaks of Newar merchants in Tansen and Piuthan. This, perhaps, is indicative of the presence of grain markets there.

6 If anything, this freedom of the *birta* owners and the leading *jagirdars* contributed to the economic and social stratification of the village, with the wealthier landlords being more and more 'men of the world' and the smaller, tenant farmers being confined to their villages.

Closely connected with the lack of agricultural surplus for the farmer was the lack of coinage. As we have seen, one of the factors in the impoverishment of the villager was the fact that he had to acquire cash to meet demands being made on him both by Government and landlords. Cash was a scarce commodity in the village, and the basic law of supply and demand came into effect, driving up the cost in grain for the coins he required. This lack of coinage also constituted a constraint on trade. The development of trade patterns based on anything more than a simple exchange of goods requires coinage. Only then is there that flexibility that permits the ready exchange of commodities that is necessary for the development of more complex trade patterns of the type that would lead to commercial growth and the unity of a region. But coinage was in very short supply, and this was the most glaring omission of the Bhim Sen Thapa administration. In moving the economy from an agricultural basis in which in-kind payments were the rule to one where cash payments were increasingly expected, it was elementary that cash had to be made available. What was needed was a simple, adequate coinage system that was systematically introduced throughout the hill region. Admittedly, Bhim Sen Thapa was under severe constraints. Copper slugs, which were commonly used for lower denomination coins in the districts, provided no real solution, because copper was a commodity.⁷ As often as not, these slugs found themselves in the melting pot and emerged as a piece of metal work that, beautiful or utilitarian as it might be, effectively removed such coins from circulation. Silver coins required silver, and Nepal had little. The old sources of silver in Tibet had long since dried up as a result of new Tibetan coinage arrangements.⁸ The only alternative source was India. But in an age of silver coins, the only way to import silver is to pay silver for it, and weight-for-weight, value-for-value, the exchange balances

7 It is probably because copper was a commodity that these copper slugs were so readily accepted as coins. There was never any problem passing them, even though they had no official stamp or mint mark. They were approximately 25 mm long, 15 mm wide, and 12 mm thick. See Appendix A to this chapter for a list of the copper coins minted in Nepal during the reigns of Rana Bahadur, Girbana Yuddha, Rajendra Bikram, and Surendra Bikram Shah.

8 Ludwig F. Stiller, S. J., *The Rise of the House of Gorkha* (Ranchi, 1975), pp. 192-214.

Bhim Sen Thapa enjoyed the support of the queen grandmother Tri-pura Sundari, the regent. The death of the king and the patronage of the queen grandmother are undoubtedly historical facts, and they contributed greatly to Bhim Sen Thapa's success. But they do not explain it. The assumption that they do is based on a simplistic concept of the Nepal durbar that pictures the whole *bharadari* as a collection of spiritless "Yes-men." This they were not. At no time was the Nepal durbar reduced to such a stage of spineless compliance. There is abundant testimony in the documents to indicate that some elements of the *bharadari* fought tooth and nail against decisions they did not accept, and the path to the resident's door was worn smooth by those who sought to enlist him in their struggle. There was fight and there was intrigue. In the last analysis Bhim Sen Thapa enjoyed royal patronage because he proved he deserved it by showing that he could manipulate the various power groups at the court and achieve something approaching unity of direction in the affairs of government.

Old opinions die slowly. This is not altogether a bad thing, because it forces the historian to a more careful reading of the documents and a more painstaking appraisal of his own biases and prejudices. But there are two aspects of this popular explanation of Bhim Sen Thapa's power base that will hasten its death. It explains nothing in the history of Nepal except the very narrow interpretation of the workings of the Nepal durbar and the history of Nepal that appealed to the British residents and to writers like William Wilson Hunter, whose work has provided the data used in so many popular histories.⁵⁹ And it provides no basis for an understanding of Nepal society and the Nepali nation that is the necessary prerequisite for an explanation of the growth of today's Nepal. It is historically sterile and therefore valueless. Whether the analysis presented here has any greater meaning remains for the reader to decide as he follows the implications of this analysis through the remaining chapters of this study.

59 William Wilson Hunter, *The Life of Brian Houghton Hodgson* (London, 1896).

CHAPTER FIVE

UNITY: GROWTH AND CONSTRAINT

In his [Bhim Sen Thapa's] time, problems were not considered from a national, country-wide point of view. Caste and locality were the basis for problem-solving. Consequently, there was at that time no plan that could be called national which could be applied throughout the whole country.¹

After the dust of the postwar power struggle in Nepal had settled, Bhim Sen Thapa was clearly in control of the administration. He had shown to all those who doubted him that his mastery of the political realities of Nepal was greater than those who aspired to replace him. He had also forged a strong political alliance when he chose the army as his constituency. It remained to be seen, however, whether he had allowed himself sufficient freedom of movement. Would the alliance with the military so restrict his freedom and his vision that he would be unable to understand or moderate the forces that were proving so oppressive to economic life in village Nepal?

The answer to this question is not one that can be simply stated. It will, in fact, require several chapters in this study before we can even attempt one. In the course of these chapters we will explore the interaction between the growth of national unity and the village economy. Underlying our decision to proceed in this fashion are several assumptions that the reader should know and appreciate before we proceed. First, we are assuming that just as the expression 'Nepali nation' means more than 'Nepali state', so the expression 'growth in unity' means more than 'unification'. Secondly, we are assuming that we must have integration on a regional level before we can have integration on a national level. And thirdly, we are assuming that only interaction of the various districts within individual regions of the country and interaction between regions could so stimulate the economy that it could produce an increase in real wealth and provide the people of village

1 Translated from Chittaranjan Nepali, *Janaral Bhim Sen Thapa ra Tatkalin Nepal* (Kathmandu, 2013 B.S.), p. 185.

Nepal with a better quality of life. This, we believe, is the real fruit of the unification of the hill regions which Prithvinarayan Shah intended his people to share. In this chapter, our particular concern is the growth of regional unity in postwar Nepal. We are dealing here with the transition from the unification stage, which was essentially a period of conquest, to the organization of Nepal into a more effective political and economic unit. Transitions, however, are always challenging to study, and there are few rules to guide us.

Nations grow at their own pace. There is no law of men or nature that can be applied to the people of a nation or to its rulers to say that at this time and on this day all shall move to phase two or three or four in a sixteen phase period of growth. There is no limit to the duration of any period of national growth, nor is there any fixed path along which the nation must walk. The only rule that governs this growth, and it is a rule derived from the wisdom of hindsight, is that when the political realities of one nation are grafted onto another nation, the result is not political reality but political farce. Such a graft is ultimately either rejected in violence or so changed that the results are unrecognizable as having been derived from the parent stock. The growth of a nation is indigenous or it is no growth at all.

Watching the slow emergence of a nation can be a painful process, even when it is done through the perspective of history. We are impatient to see results. But if anything is to be learned from the study of the growth of a nation, it will be learned in the periods of groping, fumbling adjustment of a people to new realities and new concepts. There is no understanding the solutions that the people of a nation arrive at, unless we first try to understand what they were striving to reach and what they were reacting to. This may not produce sharp copy, but it does provide insight into the 'metabolism' of national growth.

In the case of nineteenth century Nepal there is the urge to pass quickly from unification to national unity. This has led historians either to read into very insignificant acts some sign that a man of Bhim Sen Thapa's calibre was 'progressive'— that he was consciously leading the nation to more liberal goals and more 'modern' attitudes.² Or it

2 Ibid., although Chittaranjan Nepali is careful to distinguish the mentality of the twentieth century from that of the nineteenth.

has led them to condemn him as a leader who failed to produce a solution to the nation's massive problems.³ The former approach leads to a sense of patriotic unreality, and one is forced to ask: 'If each national leader in turn led the nation to greater and greater heights of achievement, how did we ever arrive at the state in which we now find ourselves, as we struggle to relieve the poverty and illiteracy of our country?' The latter approach blinds one to important developments that were taking place within the country, and is based on the naive assumption that rulers can by a *fiat* or the issuance of a *ukase* bring about social change.

We must have the patience to see the problems and their implications. Like the returning veteran, we can see the situation in village Nepal quite easily. But these conditions were merely symptomatic of much greater problems. As we try to grasp the dimensions of these problems and to understand the administration's attempt to cope with them, it will become readily apparent that we are really trying to describe two dimensions of growth. There was the official, administrative dimension of growth, and this is important to our study, because it was this that Bhim Sen Thapa directed. But there was also a deeper, grass-roots growth among the people that was distinct from, and at times diametrically opposed to, the growth that the administration was directing. They provide point and counterpoint to our study, and therefore both are important and deserve consideration. As we look at each aspect of this period of history, it will become increasingly clear that stable political power is important, but unless that power is directed by vision and insight it cannot cope with the real problems of national growth.

A. THE GROWTH OF UNITY

Conquest had produced modern Nepal in the sense that it had surrounded the territory of today's Nepal with a boundary and im-

³ M. S. Jain, *The Emergence of a New Aristocracy in Nepal* (Agra, 1972), pp. 1-13, is rather mild, condemning Bhim Sen Thapa by faint praise. Jain sees Hodgson as the dominant figure in Kathmandu in the 1830s. Baburam Acharya, 'Bhim Sen Thapa ko Pattan', *Pragati*, No. 10: 115-22, is rather less complimentary towards Bhim Sen Thapa.

of the local Governor except in matters of national policy or national emergency. For the rest, the normal functions of government were in the hands of the *birta* owner or the *jagirdar*.¹⁸ The regional administrator, then, was ultimately responsible for a jurisdictional region that included only the villages under *raikar* tenure,¹⁹ and these were few indeed in the hills.

This was the administrative structure that prevailed in postwar Nepal. It was the product of a concept of government that conceived of government's duty as the provision of security and protection and the government's prerogative as the collection of taxes. One could not, therefore, expect such an administration to promote actively the growth of unity within the nation, except insofar as the preservation of peace and security fosters the normal growth of unity.

One might have expected, perhaps, that regional administrative centres would become very important executive branches of government for the implementation and enforcement of law. Such an assumption, however, is sharply anachronistic. It is based on a concept of law that is western in its derivation and better suited to more recent developments in Nepali administration. Today the business of government is normally carried out on the basis of laws that have been passed according to an accepted constitution and promulgated by the legally constituted authority of the king. The basis for law today in Nepal is still Hindu law, but there are large areas of Nepalese law that deal with a more highly organized society and are consequently secular in tone and intent. The more simple society of the silent years had none of these organizational aims, and law as it was known and practised was Hindu law in Hindu areas and what Hodgson has called the *desh achar* ('customary practices of the country') in non-Hindu areas.²⁰ The concept of legislation, so familiar to us today, was essentially alien to this legal structure. The rights and duties of the king and his *mukhtiyar*

18 Mahesh C. Regmi, *Land Tenure and Taxation in Nepal* (Berkeley, 1963-68), 2: 6-7; 3: 11; see also Regmi, *Economic History*, pp. 40-41 and 70-71.

19 Raikar land: land on which the state collects the revenue. It is opposed to *birta* and *jagir* lands, whose revenues were assigned by the state to individuals.

20 Brian H. Hodgson, 'On the Administration of Justice in Nepal, with Some Account of the Several Courts, Extent of Their Jurisdiction, and Modes of Procedure', *Asiatic Researches*, 20 (1836): 123.

in regard to law were confined to the protection of *dharma* and the issuances of such administrative ordinances as were necessary for this.²¹ The king also regularly added his sanction to modifications in customary practice which various communities within the kingdom submitted to him for his official sanction. The content of such changes, however, was determined by the leaders of that community. Official sanction was just what the name implies, the confirmation of these changes as the law of that community.²² The regulations issued for the Newar community in February 1832 were an example of this latter exercise of royal authority, as is clear from the introduction to these regulations.²³ They were not laws made and promulgated by the authority of the central government for a class of people within the state. Such an act would have been *ultra vires* and would have aroused the strongest possible opposition from the people.

At this point in our analysis, we should clearly specify that we are not concerned with the *content* of law during the silent years nor with judicial action under the law. Rather we are asking one basic question of Nepali society in that age: 'Was the administration of law such that it required the development of regional administrative centres?' The question is prompted by our own knowledge and experience of government administration today, when the presence of regional administrators is a necessary adjunct of good government and law enforcement. The answer to this question, however, is negative. The administration of law during the silent years neither required nor encouraged the growth of regional administrative centres. Why?

There are three aspects of Hindu law that clearly militated against the growth of the regional administrative centres as a necessary agent

21 Robert Lingat, *The Classical Law of India*, trans. J. Duncan M. Derrett (Berkeley, 1973), pp. 230–31.

22 Ibid., 204. It is important to note the distinction between 'making law for a community' and 'sanctioning a law', i. e. giving the weight of authority to law that is made by the members of the community itself.

23 The introduction to this *lal mohar* makes it clear that the initiative for these regulations sanctioned by the *lal mohar* came from the Newar Community, and a careful reading of the regulations themselves makes it clear that these regulations could only have been worked out in such detail by the leaders of the community itself. See Chittaranjan Nepali, *Bhim Sen Thapa*, pp. 322–7.

in the administration of law in the country.

First, Hindu law was *dharma*—centred. It was concerned with the fulfilment of individual duty, and this duty could not be reduced to, or expressed in, a set of rules. As Radhakrishnan has said:

Dharma is a code of conduct supported by the general conscience of the people. It is not subjective in the sense that the conscience of the individual imposes it, nor external in the sense that the law enforces it. Dharma does not force men into virtue, but trains them for it. It is not a fixed code of mechanical rules, but a living spirit which grows and moves in response to the development of society.²⁴

Secondly, Hindu law was traditional and therefore transcendent. It did not derive from the king or even his dynasty, but was derived from the authority of the, *vedas* the *smritis*, and the *shastras*. It was as much part of society in certain regions of the hills before the Gorkhali conquest as it was afterwards, and therefore required no new administrative machinery.

Thirdly, Hindu law was cultural rather than administrative. It applied to man in his total social milieu, not to a few scattered business or social contacts. It was essentially a community affair, and, except in criminal cases which required some minimum of local police action, could be effectively handled within the context of the community.

These three points seem to indicate that the community itself was the first judge of conduct and that the community, through social pressure and occasional reference to the court, exacted conformity to the law from members of the community.²⁵ The regional administrator was outside the ambit of the community, and therefore, at this primary level of law, any action of his would be properly termed interference. The administrator's only function in this arrangement was to supply the force, the *danda*, legally residing in the king and by derivation in the administrator as the king's minister, to bring recalcitrant members back into line when the community acknowledged itself unable to cope

24 S. Radhakrishnan, *The Heart of Hinduism* (Madras, 1936), pp. 17–18.

25 J. Duncan M. Derrett, *Introduction to Modern Hindu Law* (Oxford, 1963), pp. 2–3.

with the situation. The initiative lay with the community, not with the regional administrator. It was thus impossible for the regional administrator to become a focal point for the execution of law at this period of history.

This explains, of course, why far-reaching measures that were issued from Kathmandu as ordinances for the whole country were not issued in the names of local governors. They were addressed to all the people, to all communities, and they invariably tried to define or clarify rather than to impose new structures on society. For the rest, the durbar confined itself to an *ad hoc* approach to particular cases which seemed to require the interference of the centre in the protection of *dharma*. Three separate cases cited by Chittaranjan Nepali as examples of Bhim Sen Thapa's legislative initiative all find their best explanation in this context: the ruling establishing uniform measures of two *manas* to the *karuwa* and eight *manas* to the *pathi*; the ordinances on slavery and bondage; and the instruction forbidding a male to have carnal knowledge of his brother's wife.²⁶ The first was a definition of terms required by the emergence of the *kut* system. It was essentially an extension of the law of Ram Shah on this matter to the whole kingdom and was dictated by the need of a common understanding of the units of measure in use in contracts issued by the centre and in revenue arrangements with the villagers throughout Nepal.²⁷ The second was *ad hoc* and was a response to complaints, without any effort to investigate the causes in the increase in bondage and slavery, which were, as a matter of fact, a direct result of Bhim Sen Thapa's fiscal policies. The third related strictly to *dharma*, and was important more for the sanctions imposed on different castes for the violation of *dharma* in this regard than for the enunciation of law.

From what has been said here, it is apparent that there was no reason to establish regional administrative centres as a necessary agency in the administration of law throughout the country. It would consequently be misleading to assume that the central administration

26 Chittaranjan Nepali, *Bhim Sen Thapa*, pp. 185-91, 199, and 203.

27 The units of measure established by King Ram Shah for Gorkha had become common in the central hills. This ordinance was basically an extension of these units to the whole country.

out as one-to-one. In such a situation, to acquire silver one must export commodities or services. But here government policies interfered with the commercial process that alone might have brought the quantities of silver required for an adequate coinage system into the country.

Government restrictions on trade were based on an outdated concept of national defence that believed that the only protection for Nepal lay in maintaining the secrets of the hills, and that the best way to achieve this lay in denying foreign merchants, both Indian and European, ready access to Nepali markets.⁹ In pursuance of this policy, trade routes were regularly closed. Those few that remained open were systematically policed. This had serious effects on the whole pattern of trade. Such commerce as was carried on in Nepal had traditionally been in the hands of the Newar community, with the exception of the salt trade of the hill districts, which had its own special patterns of exchange. The Newar community, however, had oriented its commercial efforts towards Tibet.¹⁰ There is no evidence to show that they possessed commercial contacts in India for the exchange of goods. It has been indicated by more than one historian that the Indian contacts in the India-Nepal-Tibet trade were handled by Indian agents, who alone had the commercial connections in India necessary for that side of the commerce.¹¹ Here lay the difficulty that blocked any significant expansion of Nepal-India trade. The only way for this trade to develop in accord with the government's policy of restrictions on foreign merchants was for Nepali merchants to carry on the trade, and this had clearly been Prithvinarayan Shah's intention when he first enunciated this policy in 1774.¹² But this would require merchants who traditionally operated in a Tibetan orientation, where they possessed strong commercial outlets, to re-orient themselves and acquire new outlets in India. As a matter of historical record, this policy proved remarkably

9 Ludwig F. Stiller, S. J. 'A Note on Himalayan Trades', *Journal of the Tribhuvan University*, 7 (November 1972): 11. See also Prithvinarayan Shah, *Dibya Upadesh*, ed. Yogi Narhari Nath (Kathmandu, 2016 B.S.), p. 11.

10 Stiller, 'Himalayan Trade', pp. 4-7.

11 Regmi, *Economic History*, p. 24.

12 Prithvinarayan Shah, *Dibya Upadesh*, p. 11.

successful as a defence policy but failed to achieve its commercial goals.¹³ Thus, with Indian and British merchants excluded from trade and Nepali businessmen ill-equipped by reason of their previous trade history to carry on the India-oriented trade, trade failed to develop as a major source of income, except for exports of rice from the Tarai into India. Where was the silver to come from, then, to provide the basis for an adequate coinage system? An indication of the poverty of thinking on this level in the Kathmandu administration is found in the constant complaint of the residents against the durbar's ban on the export of East India Company rupees and the practice of reminting these coins as Nepali rupees.¹⁴ Bhim Sen Thapa's administration simply melted down the Company's rupees in order to mint their own. There was apparently little else the government could do in the circumstances to supply the silver they required. Since the amount of Company rupees moving into the country was restricted by trade policies, however, the quantity of silver available even in this way for coinage purposes was very limited. And this, of course, affected internal trade as well.

There was one area where a significant development in internal trade could have taken place. Trade in cotton products flourished in Kathmandu Valley. There were on the market in Kathmandu several dozen types of cotton cloth, all the product of local cottage industries, that found a ready sale.¹⁵ There is no real reason why trade in cotton cloth could not have been developed throughout the country. Government policy, however, restricted the free movement of goods, as well as the free movement of villagers, and one of the results was the strangu-

13 In 1830 Brian Hodgson was still trying to encourage East India Company trade through Nepal. He was able to report some progress in Nepal-India trade, but very little. Sixty years later the volume of trade had increased, but it was still not significant. See Stiller, 'Himalayan Trade', pp. 12-18 and 28; also Foreign Secret Consultation 26 March 1830, No. 24, and Asad Husain, *British India's Relations with the Kingdom of Nepal* (London, 1970), p. 136.

14 Ramakant, *Indo-Nepalese Relations: 1816 to 1877* (Delhi, 1968), p. 122.

15 Alan Campbell's report on 'The State of the Arts in Nepal', Foreign Political Consultation 29 July 1836, No. 26, dated 21 July 1836. See Appendix B to this chapter for Campbell's list of the various types of cotton cloth available on the Kathmandu market at this time.

lation of cottage industries.¹⁶ The manufacture and consumption of cloth remained strictly related to the needs of the locality, and no widely developed trade took place. Poor communications would certainly have severely restricted the range of such trade, even had it grown, but the need for cotton cloth and the very human desire for variety could well have combined to produce a small but thriving industry at the regional level had government encouragement existed. One could argue, of course, that to expect government to assume this role at this particular point in history was totally unrealistic. Such an argument, however, finds its own answer in the pages of Prithvinarayan Shah's *Dibya Upadesh*, where the encouragement of cottage industries in cotton cloth was established as a primary economic objective of Gorkhali government.¹⁷

During Bhim Sen Thapa's administration trade did not flourish in the districts. It did not even grow. Undoubtedly there were many extenuating circumstances for this. The fact remains, however, that the unifying force of trade was not operative in the various regions of Nepal, and there was no consequent growth in unity. This, and only this, is the critical point that this analysis seeks to establish.

There seems to be no question that one of the key factors in the stifling of trade was the defence syndrome that insisted on controlling the movement of men and goods. This, we have seen, was an artificial prolongation of a defence posture that had been originally assumed to protect Nepal from the incursions of the agents of the East India Company. Bhim Sen Thapa used this device to enspirit the army at a time when he needed the army's support in his own struggle to maintain his position of power in Kathmandu. It was a device, however. It was not a demand made by the government's ordained duty to protect the country. As a defence mechanism it was outdated from the day that British guns had set their sights on Makwanpur fort. As long as

16 'Whenever anyone is apprehended travelling without a passport in places where a passport is required or travelling by trails and passes that have been officially closed, get a confession from him and punish him. Do not allow trails that have been officially closed to be opened.' Clause 13 of the Instructions to *Bicharis* ('judges') given in full in chapter six below.

17 Prithvinarayan Shah, *Dibya Upadesh*, p. 13.

the British possessed superior cannon and superior skills in the use of artillery, British troops could move into the hills. It would be expensive in men and money. But it could be done. Nor was there any development in the production of cannon in Nepal that would in time nullify this British superiority. If Bhim Sen Thapa possessed in fact but a portion of the common sense that both British and Nepali observers attributed to him, he must surely have recognized this to be true. It was, however, characteristic of Bhim Sen Thapa, as we have learned, to make use of his greater insight into events and their outcome to further his own claim to power. That he did manipulate the defence posture of Nepal to achieve his own purposes is beyond question. By exhorting the army to constant vigilance against the supposed inroads of the Company's troops he was able to give the army a quasi sense of purpose that both justified his expenditures on the army and rendered the army more subservient to his demands.

2. Regional Administrative Centres

The most revealing statement of the limitations of the central administration's efforts to further the growth of unity in Nepal is derived from the regional administration that emerged in the post unification period. As a first step, one must set aside all thought of the neat organizational charts that are the product of modern administration techniques. The line of authority running from the central administration to the local administrator was direct and unencumbered by regional intermediaries. Secondly, one must set aside the concept of clearly defined administrative units. They did not exist. The Gorkhali administration did not establish new administrative units that would serve as regional centres for the administration of several of the former mini-states. They accepted the old units, which followed geographic lines. Moreover, there was no simple and uniform imposition of Gorkhali administrative jurisdiction. In those areas in which the former rajas were permitted to continue their rule under the supervision of Kathmandu, there was no administrative change other than the placing of Gorkhali officers at the local court. In the areas that came directly under the rule of Kathmandu, large sections of land were assigned in *jagir* and *birta*, and these were considered to lie outside the jurisdiction

developed such centres to foster a growth of regional unity in areas that had traditionally been politically and socially fragmented.

3. Grass—roots Growth

We must not be satisfied here, however, merely with the central administration's efforts in the direction of regional unity. There were other forces at work within the state that would eventually find expression in new administrative structures. These, too, must play a part in our discussion, since they were also part of the political process.

The move from the *adhiya* system of rent collection²⁸ to the *kut* system demanded a correspondingly more complex system of land records. As long as rents were determined by a standard assessment of fifty percent of the crop, the only record necessary in addition to the tenant's name was that of the payment of rent. The introduction of the *kut* system, however, implied that each holding was negotiable. Whether the enhancement of rents under the *kut* system was done on the basis of individual holdings or a blanket assessment was made for all the holdings in an area, the system required that a record of this assessment rate be kept not only in Kathmandu but also on the local level. The local governor, who was ultimately responsible for the collection and disbursement of rents,²⁹ was the logical person to assume responsibility for developing this record system. At the very minimum, the government directives pertaining to the new rates of assessment would have to be preserved.

In fact, all government directives had to be preserved some place, whether they were addressed to the general public, as were many of the government orders that established general policies for the state, or to the governor himself. The normal depository for these would be the governor's residence. These documents were often kept scroll-wise in a very primitive fashion. The latest directive from the centre was simply glued to the bottom of the previous directive. The resulting

28 The *adhiya* system, in which the tenant and the landlord shared crops equally, has been discussed in chapter one above.

29 The governor was 'ultimately' responsible for the collection of revenues, though revenues were normally collected by a direct arrangement with a tax contractor (*ijaradar*) or a village *amali*. See Regmi, *Economic History*, p. 174.

scroll was wrapped around a central stick, and the whole was stored in this fashion.

Though the local governor had limited jurisdiction, he did represent the central administration. He was, therefore, in a position to forward to Kathmandu the complaints or difficulties of the local villagers. Whether he did so or not, the mere fact that he was in a position to do this service meant that villagers came to him to seek redress, to request some remittance from their rents in bad years, or to appeal decisions in land disputes that arose.

Since protection was one of the governor's major functions, he had military units posted in his area, and these troops under the governor's direct or indirect control represented to the villager in the most graphic way the power of the central government. Villagers who were physically far removed from the governor's seat of power knew that in such-and-such a place was the *sarkar's* man and that he had *sepais* ('soldiers'). The mere movement of small bodies of such troops through the region was noted by everyone, and word of their approach outdistanced them to alert the villages along the track that the governor's men were coming.

All of these factors indicate that, whether the governor had power or not and whether he had jurisdiction or not, his very presence in an area gradually drew the attention of the villagers to him as a centre of authority. If the governor in individual cases did respond to their needs and correspond with Kathmandu on their behalf, we have the beginnings of a true administrative centre. This is precisely what happened.³⁰ On occasion, governors did refer cases to Kathmandu for decision. Kathmandu then had either to refer the case back to the governor along with the directives that would permit him to solve future cases without burdening Kathmandu or to send a team of investigators to look into such problems as land tenure, encroachment, or titles. No matter how decentralized and fragmentary the system was, the whole thrust of village life required the development of a regional administrative centre that represented central government authority—

30. Such petitions were forwarded to Kathmandu, but instructions were sent from Kathmandu on occasion to the effect that such complaints should not be permitted to reach Kathmandu. Regmi, *Economic History*, p. 127.

even though that centre might be at a distance of three, four, or five days' walk from the average villager's home.

The growth of these centres is difficult to chart. Military governors in the period immediately after the conquest of a region had enormous powers and wide discretionary rights in the use of those powers.³¹ This was directly owing to the need to establish complete control in the newly conquered region.

The next phase in the growth of the centre was retrograde in terms of the governor's real powers. *Birtas* and *jagirs* were assigned. Once territories had been parcelled out in *jagirs* (or *birtas*) the governor's jurisdiction was sharply limited. Some governors during this period, like Bam Shah in Kumaon, were able to exercise a very strong moderating influence on the rigours of life under the *jagir* system, but this was a result of the governor's personal prestige and connection with the Kathmandu durbar.³² Bam Shah was, after all, a *chautariya* and not an ordinary military governor. For the most part, during the second phase of the growth of regional administrative centres, the emphasis was on the governor's duty to defend rather than on actual administration as we understand the term today. The seat of government in these outlying regions was chosen less for the ease with which villagers could approach the governor than with an eye to the control and easy defence of key hill areas. Jumla, Doti, Palpa, Makwanpur, Chainpur, and Bijayapur were typical of the places chosen as administrative centres.

In the postwar period, the third phase saw the growth of true regional centres. This growth was of necessity slow, since it arose from the villager's need rather than from any legal or administrative function that the central administration shared with regional administrators, whose official duties were restricted to the defence of the region and supervision of the collection and disbursement of tax revenues. This fact must limit our expectations of the growth of a sense of national

31 See the instructions from Rana Bahadur Shah to Bhakti Thapa in Kumaon, dated 1851 B.S., Srawan, Sudi 13, roj (6 August 1794), published with notes in Mahesh Raj Pant, 'Bir Bhakti Thapa', *Purnima*, No. 11: 35-36.

32 Traill is especially eloquent of Bam Shah's effort to improve the lot of the people of Kumaon. See George William Traill, 'A Statistical Sketch of Kamaon', *Asiatik Researches*, 16 (1828): 137-234. This report is dated 16 April 1823.

unity in the districts. Of course, the mere linking of a district with Kathmandu was a form of unity. But the growth of national unity required interaction between the various political and social units of a region as well as interaction between the regions themselves. There was no official encouragement of such interaction at this time. Whatever growth there was in this direction resulted less from official policy than from the tentative initiatives taken by individuals and groups in the various regions of Nepal as, in their need, they explored the possibilities of obtaining from government officers posted in their areas some assistance or redress.

The very tedious pace of growth in this later phase speaks volumes about the geopolitical forces that were drawing apart the various districts of the nation. Establishing the *hulak* system along the main east-west trails under the pressure of military expansion seems to have exhausted the central administration's energies and imagination. No further steps were taken for years to establish anything more than the most tenuous linkages between the different districts of a region to supplement the strong linkages between the centre and individual districts. In particular, the advantages that could have been derived from developing regional trade linkages were totally ignored. The districts remained isolated units, and, being isolated, they were unable to contribute to an expanding economy.

Perhaps the one point that emerges most forcefully from this analysis is this, that the authorities in Kathmandu seem to have placed no value on greater regional growth. There seems to have been no awareness that the economic vitality of the districts affected the welfare of the country as well as the welfare of the very *bharadari* who showed such disinterest in the development of village Nepal. No one seems to have realized that the limitation of the economy to agricultural production put a limit to the total wealth of the whole country and directly affected the wealth and prestige of the *bharadari* itself. The sponge of the rural economy could be wrung dry, but unless some trade were allowed to develop there could be no substantial increase in economic resources, no growth of opportunity, and no escape from the increasing competition for the limited number of *jagirs* available.

B. REVENUE COLLECTION POLICIES

The central administration's policies for revenue collection are a further indication of the administration's lack of vision regarding the development of regional administrative centres around which regional unity could develop. These policies not only failed to foster the growth of regional unity but directly contributed to the continued fragmentation of Nepalese society.

1. Revenue Collection in the Hills

There was no single revenue collection system in use throughout the hills. Districts where there were military establishments came under the jurisdiction of a *subedar* or a *subba*. A *subedar* was a military officer who normally commanded a company of soldiers. A *subba* was of higher rank, usually a civil administrator, who exercised revenue jurisdiction in areas of considerably greater financial importance. These areas devoted to *jagir* payments enjoyed a relatively stable system of revenue collection. It was in the *raikar* areas where a shifting pattern of revenue collection was most apparent. In militarily less important areas and in remote areas, revenues had been collected by *dwares* during the period immediately after the Gorkhali conquest. These men were government employees, who received a sixth of the total revenue collected in the area of their responsibility in payment for their services.³³ In 1793, despite Prithvinarayan Shah's injunction against tax-farming,³⁴ those hill areas which had formerly been under *dwares* were placed under *ijaradars*, who contracted to collect the taxes in a given area and who paid all or part of the contracted money to the government in advance. The *ijaradar* was a business man, a middle man, who had the capital necessary to enter into this sort of contract. His contract, of course, could be large or small, depending on the *ijaradar's* financial means. It became profitable only insofar as the *ijaradar* could collect more from the villagers in taxes than he paid to the government for the right to collect them. The government normally accepted less from the

33 Regmi, *Economic History*, p. 126.

34 Prithvinarayan Shah, *Dibya Upadesh*, p. 14.

ijaradar than the total assessed value of the area for which he contracted, thus leaving him a measure of profit. The introduction of *ijaradars* was part of the government's effort to establish a guaranteed income free of the vagaries of revenue collections based on a sharing of the crop. The *ijaradars*, of course, were gambling, as any dealer in futurities does, that the crop would be good and the contract profitable. The gamble was not as risky as it might seem, however, because in a bad year, though the records might show a loss for the *ijaradar*, minor payments in services and in kind exacted from the villager reduced his loss.

With the introduction of the *kut* system, a whole new approach to revenue collection was required. In those cases where settlements were made with individual farmers, the farmer was obliged to pay his taxes directly to the local government administration before a certain date. However, most settlements were made with the village headmen, who were assessed for the whole village as one unit.

The headmen then apportioned to each ryot [farmer] a share of the total amount assessed in this manner, collected the stipulated amount from each ryot and handed the proceeds over to the chief administrative office of the district. Since he belonged to the village, he could be expected to insure that shares were based on the taxable capacity of each family. Thus the village headmen dealt directly with the government representative at the district level and enjoyed enhanced status and authority. At the same time, he was held personally liable for the full payment of the stipulated amount.³⁵

Periodic settlements provided for adjustments in the assessment to match either an increase in the total area of tilled land as the result of land reclamation, if such reclamation had in fact taken place, or a lower assessment if landslides had rendered certain fields uncultivable.

The arrangement had two serious drawbacks. First, throughout the whole period from one settlement to the next, the headman was

responsible for the total amount of the assessment, even though farmers might not be able to pay because of drought, landslides, or abandonment of the land. The headman was thus responsible financially for a situation that was not in his control. Secondly, and more directly to our purpose here, by establishing direct links between the central government and the village headman, the system by-passed the regional administrative authority and consequently weakened the administrative structure. Under these arrangements the regional administrative authority was responsible only for the periodic collection of revenue from the headmen. He had no authority over the actual process of revenue collection and therefore he could neither inspect the revenue collection machinery nor punish those who abused the system.

The introduction of the *kut* system on *jagir* lands also tended to retard the growth of unity. The *kut* system introduced tension between the tenants, who insisted the rents were too high, and the *jagirdars*, who demanded rents that were more in proportion to what they thought the land could produce. Since the *kut* system had been introduced largely with the welfare of the *jagirdars* in mind, it was inevitable that this struggle would end in favour of the *jagirdars*. They were authorized in 1827 and 1828 to evict those tenants who refused to pay the enhanced rents, and, if necessary, to bring cultivators from outside the village to take up the vacated holdings. This procedure could only disrupt the harmony of the village, especially if long-established members of the community were uprooted and an effort made to introduce outsiders into the tight social structure of the village. For a time, however, this practice did succeed in forcing the farmers to accept enhanced rents, but there came a point when the effort required of the farmer was not worth the return. Many farmers were compelled to abandon their land and search for some means of livelihood that at least allowed them subsistence conditions. The trend towards the abandonment of holdings reached sufficiently alarming proportions to force the central administration to reconsider this policy. In 1833, Bhim Sen Thapa cancelled *kut* allotments to non-resident persons on certain categories of *jagir*

36 Regmi Research Collection: 26/445. Authorization to General Bhim Sen Thapa to allot *Jafati* lands, on *kut* or *thek* tenure, dated 1890 B. S., Paush, badi, 3, cited in Regmi, *Economic History*, p. 182.

lands that were assigned to the army, and reallocated them to residents.³⁷ In this reallocation an effort was made to share out the quality rice lands along with the lands of less desirability in such a way that each tenant could more easily meet his *kut* obligations. This was done more out of concern for the failure in revenue that resulted from the farmer's abandoning his land than from any basic concern for the welfare of individual tenants. The measure itself was palliative rather than remedial, and the areas involved were too small to make a significant difference in the condition of the villagers throughout the whole of the central and western hills. The incident does, however, indicate something of the dimensions of the problem.

Two areas of constant friction that were attendant on the introduction of the *kut* system and the progressive conversion to cash rents were the villagers' repeated requests for the remission of rents that were due and the need for some systematic rate for the conversion of rents specified in grain to their equivalent in cash.

The need for remissions was directly connected with the problem of farming in the hills. Landslides and erosion were constant hazards. Where farmers were working at the subsistence level, the loss of a field through landslide or erosion inevitably dropped the farmer below the subsistence level and rendered his position untenable even on his remaining fields. The old *adhiya* system of rent collection had provided automatically for this, since the farmer paid only half of what he produced, regardless of how bad the crop might have been. The *kut* system had no such provision for bad years, so that remissions had to be sought when calamities occurred. The central administration tried to avoid becoming involved in this problem, but the problem existed. Under the *kut* system, the only possible solution for the village headman, who was responsible for the total tax for the village, was to increase the taxation pressure on the other fields in the village, since adjustments in the assessment were made only after a period of years. The failure of the central administration to produce an adequate solution to this problem led to piecemeal solutions that neither provided a rational approach to the problem nor contributed to the growth of unity in the nation.

37 Ibid.

The problem of conversion rates was an involved one. It was based on the fact that rents were normally specified in kind. If the *jagirdar* or *birta* owner insisted on payment in cash, the problem arose as to how much the farmer actually owed. If the farmer owed his landlord forty *muris* of rice as rent, how much did he owe in cash? Was this to be determined by the market price of rice in that area? If so, which market price did one accept? The value of rice in a free grain market varies according to the seasons. It is cheapest just after the harvest and most expensive at the end of the year just before the new harvest is due. Who was to decide this question, the farmer or the landlord? If the farmer simply sold forty *muris* of rice for whatever sum of money he could get and handed that over to the landlord, was the landlord obliged to be satisfied with this? Clearly some official conversion rate must be set. But the moment that government set a conversion rate, the villager must necessarily suffer. The government-fixed rate could never be as flexible as the local market. Secondly, *birta* owners and *jagirdars* were the government decision makers. It was not likely that they would reduce their own income out of sympathy for the lot of villagers. The cases cited by Mahesh Chandra Regmi in illustration of government action in this regard show that the administration was unable to develop a coherent policy on conversion rates during the Bhim Sen Thapa period, and that such attempts as were made were arbitrary and invariably prejudicial to the lot of the villager.³⁸ What was needed was some adequate administration of land revenues that would maximize revenues without oppressing the farmers. To achieve this, the administration would have to become involved in the problem. As a first step, adequate channels of communication would have to be opened whereby the farmers could regularly have recourse to government and the administration could be informed of the true situation at the village and regional level. Perhaps equally important, administrators would have to develop a concern for the welfare of the villager and realize that the welfare of the state required them to govern people and not merely to administer a revenue collection system.

The development of regional administrative centres could well have solved this problem. Given official encouragement, these centres

38 Ibid., p. 181.

could have provided a regular link in the communications dialogue between the central administration and the farmer at the local level. Official encouragement was not given, however, and the revenue collections policies adopted by the central administration for use in the hill areas tended rather to undermine the position of regional administrators. As a result, the cause of national unity suffered, as did the farmers of the hills.

2. Revenue Collection in the Tarai

The revenue collection procedures adopted in the Tarai were no less harmful to the growth of unity than were those introduced in the hills. Before the Nepal–East India Company war, revenue collection in the Tarai had been in the hands of *chaudharis* ('government tax collecting agents') and *ijaradars*. The government vacillated between the two, imposing now one system and now the other, with the result that no one system was ever tried over an extended period of time. The war and the Treaty of Sagauli forced a change. Much of the Tarai had been handed over to the Company for a period of time, then handed back to Nepal and a new boundary drawn. In the process such revenue records as the Nepal government had possessed were thrown into chaos. During the immediate postwar period the government had to rely on its own tax collecting agents for the collection of rents and the building up of tax records. In 1820, however, the whole tax collection of the Tarai was put into the hands of *ijaradars*.³⁹ This system worked with a fair amount of efficiency, but in time some of the sub-contractors to the *ijaradars* approached the government with the request that the government give sub-contracts directly to them for five year periods. They claimed that the *ijaradars* were arbitrary in dismissing sub-contractors and that at times they were not allowed to remain in office long enough to regain their investment. Government granted their request, and in 1828, sub-contractors were given five year contracts.⁴⁰ This system

39 Ibid., pp. 174–75.

40 These sub-contractors (*chaudharis*) were the former local revenue agents of government, who had been superceded by the *ijaradars* ('tax contractors'). In order to maintain their traditional positions of authority in the villages, they were obliged to take these sub-contracts.

satisfied the authorities, who found they were able to dispense entirely with the district level *ijaradars*. 'Separate contractual arrangements were made directly with the local *chaudharis* for the collection of revenue in areas under their jurisdiction.'⁴¹ The same arrangement was made again in 1834. Thus, in the Tarai also the trend was away from regional development rather than towards it. Local tax units supplanted larger regional units, and middlemen were interposed between the villager and government.

C. THE DEVELOPMENT OF HAT BAZAARS

One could legitimately ask whether a difference in tax structures would have made any difference to the expansion of regional economies. It is useful in this context to compare the development of east and west Nepal. Researchers and observers today have been impressed with the fact that in eastern Nepal village bazaars developed extensively, whereas in west Nepal such a development did not take place. Seeing the value of these bazaars, the question has been asked repeatedly why village bazaars developed in one region of the country and not in another. The answer lies in the historical development of the two regions. In addition to the fact that the people of the eastern hills had greater contact with the people of India, for whom village bazaars were a common experience, the economic fact remains that the people of the eastern hills, particularly those of Pallo-kirat,⁴² had surplus agricultural products to exchange. And they had this surplus because of the type of land tenure prevalent in the eastern hills with its different taxation structure.

The system of land tenure prevailing in Pallo-kirat was called *kipat*. Under the *kipat* system, all land belonged to the community and could not be alienated from the community. Individual holdings were assigned to members of the community on the basis of availability of land and the individual's need.⁴³ *Kipat* land tenure differed from all other types of land tenure in Nepal in that the state was not considered the ultimate owner of *kipat* land. The *kipat* system was at one time

41 Regmi, *Economic History*, p. 150.

42 'Pallo-kirat': the far eastern hill region of Nepal.

43 Regmi, *Land Tenure*, 3: 82-83.

common in several communities in Nepal, but it was most strongly rooted in Pallo-kirat, where it had been the traditional land tenure system of the Limbus. This fact, plus the fighting qualities of the Limbus, persuaded Prithvinarayan Shah at the time of the Gorkhali conquest of eastern Nepal to grant the Limbus the right to continue to hold their land in the name of the community.⁴⁴ This was done despite the Gorkhali preference for *raikar* or government controlled land.

The Limbus had paid ten percent of their crop in taxes during the period when Pallo-kirat had been ruled by Limbu kings. This compares very favourably with the classical Hindu assessment of one-sixth the crop, and extremely favourably with the custom that prevailed in the rest of Nepal at that time, where the assessment was one-half the crop. Later, when the Sen kings of Makwanpur conquered this territory, taxes were set at one rupee per plow. That is, the unit of measurement for taxation purposes was set at the amount of land that one ox team could plow in a day, and the rate of assessment was one rupee for each such unit.⁴⁵

In the period immediately after the Limbus were assimilated into the new Gorkhali kingdom in 1774, Prithvinarayan Shah exacted *no taxes* from them. It was only later, in 1782, during the reign of Rana Bahadur Shah and the regency of Rajendra Laxmi that some slight taxes were imposed on the Limbus of Pallo-kirat. They were assessed a total of Rs. 0.31 per homestead (a *saune-fagu* tax of Rs. 0.25 and a homestead tax of Rs. 0.06). This was at a time when throughout the rest of the hills the tenants on government, *jagir*, and *birta* land were paying a tax of half their crop on rice lands, as well as *saune-fagu* and homestead taxes on their *pakho* lands. Taxes in Pallo-kirat were subsequently graded upwards, and by 1800 the Limbus were paying a total of Rs. 4.00 per homestead. But this was still far below the tax level for the rest of the country. During the revenue settlements of 1820 and 1827 in Pallo-kirat, taxes were again raised. A total of Rs. 6.50 per homestead was the basic assessment. Of this, Rs. 5.00 was the homestead tax; Rs. 0.50 was the *niti* tax paid as expiation for certain sexual offenses

44 Iman Singh Chemjong, *History and Culture of the Kirat People* (Kathmandu, 1967), 3rd edition, 2: 157.

45 Regmi, *Land Tenure*, 3: 105.

which were forbidden by Hindu law; and Rs. 1.00 represented the *jhara* tax, which was paid in lieu of providing compulsory unpaid labour on projects outside their district. Under certain circumstances this *jhara* tax was either wholly or partially remitted.⁴⁶ This taxation schedule did not take into account the size of holdings. The same sum was paid whether one held a large amount of land or a small amount. At a later date, when land holdings began to fragment, this mode of taxation imposed increasing hardships on the people of Pallo-kirat. During the silent years, however, land was readily available in Pallo-kirat, to the point where government and the Limbus themselves encouraged outside caste and ethnic groups to migrate there. At such a time, this tax structure was relatively benign. Meanwhile, the *kut* system had already been introduced in large areas of the central and western hill region, and taxation levels reached as high as seventy percent of the crop on rice lands.⁴⁷ In addition, there were homestead taxes, *saune-fagu* taxes, and a fixed tax per plow on *pakho* lands.⁴⁸ In other words, the people of the mid-montane region of today's Mechi and Kosi zones had far more farm surplus after taxes than tenant farmers throughout the rest of the hills, and they were therefore in a position to develop intra-regional trade. That they did so is evidenced by the *hat* bazaars that developed throughout the region and which have made such a difference to the development of the region as an economic unit.⁴⁹ There is no reason to doubt that the same sort of development would have taken place in other hill areas, had they possessed the agricultural surplus necessary for trade. Barry Bishop's observations in this context are significant:

The Karnali region has a long history of petty kingdoms and today a considerable degree of insularism remains, as manifested by the general orthodoxy and traditionalism of the population. It is

46 Ibid.

47 Regmi, *Economic History*, pp. 79-86.

48 'Pakho lands': unirrigated hill land on which crops such as maize were grown.

49 It is difficult to assess the total influence of *hat bazaars* on the economy of a given region in an agricultural society. Economists point out, however, that it is significant. In terms of the development of regional unity, it is very clear that the growth of such trade patterns, even though of limited strength, is important in a measure far beyond the economic value of the trade generated.

not surprising, then, that vestiges of recent feudalism can still be found.

One important aspect of the culture is the practice, to varying degrees, of the *jajmani* system. This social-religious-economic structure was introduced into the area with the great in-migrations of Hindus from India (primarily Rajasthan) that followed the Muslim invasions. In its original form on the plains of northern India, the *jajmani* system was a successful means of creating a totally self-sufficient community. The wide range of occupational castes, as well as Brahmin priests, served a number of landlords, or *jajman*. In return for their services the landlords provided food, housing, and other material needs.

This complex mechanism underwent many modifications when introduced into the hills and mountains of western Nepal. Currently it is breaking down at an increasingly rapid rate *due to the monetization of the economy, the increasing availability of consumer or ready-made goods, the acquisition of their lands by the occupational castes, etc.*⁵⁰

The conclusion seems inescapable. In the central and western hills there was no development of intra-regional trade of the type that could have led to the growth of a system of *hat* bazaars because high rents denied the farmer the agricultural surplus necessary to support such trade, and government fiscal policies drained off what little cash there was in the region without providing any means of recirculating it. Nor were any initiatives taken to introduce an adequate coinage system into the region to counter-balance the government's taxation policies.

D. SUMMARY

In the postwar period one might have expected greater unity to develop between the various districts in Nepal as a natural step follow-

50 Barry C. Bishop, *A Cultural--Ecological Analysis of Karnali Zone in the Western Nepal Himalaya with Emphasis on the Movements of People, Animals and Goods; Seasonality; and Recent Change--A Preliminary Report* (unpublished), p. 9. Emphasis added.

ing upon the political unification of the country. Regional centres of administration were emerging, and it seems logical to assume that these would become centres of unity that transcended the former narrow boundaries of the mini-states that had pre-existed a united Nepal. Such an assumption, however, is not borne out by the facts. These regional administrative centres had neither the jurisdiction nor the legal position necessary to foster such regional unity. Their jurisdiction was severely curtailed since *birta* and *jagir* lands lay, for all purposes except defence and preservation of public order, outside their jurisdiction, and *birta* and *jagir* lands accounted for most of the farm land in the central and western hills. The actual area of jurisdiction of such centres was in fact very limited. Also limited was the role of these centres in the legal administration of the country. The law of the land was basically Hindu law, which was essentially *dharma* centred; traditional and transcendent; and cultural rather than administrative. Consequently, the law of the land did not lend itself to the sort of executive action that is normally associated with strong administrative centres.

These regional administrative centres were not expected to play an active, unifying role, nor did they do so. There was, nevertheless, a slow, spontaneous growth of unity around them arising from the need of the villagers for someone to serve as their intermediary with the central government. This growth was tenuous, but real, and indicated the villager's intense need of a channel of communication with the centre. Because it had no solid support from the central administration, which failed to realize the importance of such communications, this growth was much slower than it might have been. The administration's reluctance to foster this growth prolonged the transition period from unification to the emergence of a strong nation held together by common interests as well as by the strong links that joined each individual territory with the central government.

Trade might have helped spur on this growth, but fiscal policies adopted by the administration and restrictions on the movement of men and goods prevented the growth of internal, intra-regional trade in all districts except Pallo-kirat.

The revenue collection machinery that was set up in the postwar period also tended to retard the growth of true regional administrative

centres and denied the nation the unifying strength that would have come from these. In the hills the role of district administrative officers even in the revenue collection system was reduced to that of receiving the periodic payment of rents, and they played no direct role in either the collection of revenue or the supervision of the revenue collection machinery. In the Tarai, the *ijara* system of tax farming was adopted, and even this tended to smaller, localized units rather than towards an integrated, regional system.

The continuation of the pre-unification pattern of small administrative units is thus seen as the predominant theme of postwar Nepal during Bhim Sen Thapa's administration. There was, of course, no move on the part of any district towards secession from the Nepali state. On the other hand there was no political or administrative effort to increase the bonds of unity between the various units of a region to supplement the links between individual political units in village Nepal and the centre. The loyalty of the *bharadari* and the military thus continued to be the main source of internal unity. Continued dependence on this class combined with the traditional mode of payment given them blinded the administration to alternative economic measures, and village Nepal was compelled to pay the continued high price for political and military structures long since outmoded.

Traditional attitudes towards government placed severe limitations on the role government played in the development of village Nepal. However, even in areas that lay open to government action serious failures occurred. Typical was the failure of the administration to introduce a sound currency system to counter-balance the increased demands made on villagers for cash payment of rents and taxes. This led to a draining-off of the small amounts of cash available in many parts of the kingdom and increased the villager's financial burden. This has been cited as the major failure of Bhim Sen Thapa's fiscal policies, and this, linked to the continued high military expenditure, imposed unwarranted hardship on the villager.

APPENDIX A

THE FIRST COPPER COINS OF THE GORKHALIS⁵¹

Rana Bahadur Shah

Paisa, 1843 V.S., in arabic characters (Landon)	Common
Paisa, 1844 V.S., (rare date)	Rare
1/2 paisa, 1843	Common
1/4 paisa (no date)	Common

Girbana Yuddha

Paisa, 1872 (?) V.S., in arabic characters	Rare
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Mint of Nahau

2 paisa, 1227 A.H. (Valentine, 2: 260 (18) 69 V. S.	Rare
1 paisa, same dates (Ibid.)	Rare

Mint of Beni (?)⁵²

1/4 paisa, 1861 V.S.	Common
N. B. Various authors mention other Dhyaks (2 Paisa) of Girbana Yuddha, but none has been identified with certainty.	

Mint of Almorah

1 Paisa (illustrated by Valentine with no attribution; published by Rhodes. Very crude legend)	Rare
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⁵¹ Prepared by Carlo Valdetaro.

⁵² Minted copper coins weighing 10, 20, and 40 grams, apparently quite old, are fairly common. The inscription on these coins, however, is in Arabic script, and the coins are so worn that to date no one has been able to interpret their significance. It is possible that they are the product of peripheric mints such as that at Beni. The metal is often alloyed with iron (some coins reacting to a magnet placed near them). They are definitely *not* Indian coins.

Rajendra Bikaram

No copper coins

Surendra Bikram

Starts regular issue of copper coins from 1787 Saka

2 Paisa, 1787 to 1802 S (not all years)	Generally common
1 Paisa, 1787 to 1802 S (nearly all years)	Generally common
1/2 paisa, (17)93 S	Rare
1/2 paisa, 1802 S	Rare
1/4 paisa, (17)88 to (17) 99 S (nearly all years)	Generally common

APPENDIX B

LIST OF THE PRINCIPAL COTTON PIECE GOODS⁵³

Name by which known in the Bazaar	Remarks
<i>Chinea</i>	Manufactured in almost every Newar's house throughout the Valley and generally in the hills. Is coarse, hard, and thin in texture. Is for the most part in webs of 10, 12, to 14 yards long, and 18 inches breadth. It ranges in the Kathmandu bazaar from one rupee to 1-4 or 1-8 per piece.
<i>Khadir</i>	Thick, coarse, and strong; manufactured in considerable quantity in the valley of Noakot, as well as in the great valley and throughout the hills; is much worn by the cultivators of all tribes, Parbattiahs and Newars; comes to market generally in pieces of 14 yards long, 16 or 18 inches broad, and averages at Kathmandu 12 annas to one rupee per piece. Wears long and well; like the above is sold unbleached.
<i>Purabi Chint</i>	Is an imitation of Indian chintz, manufactured at Dankutuah and other places in the eastern hills, generally coloured black and red, in a small striped pattern, coarse and heavy. Is much worn by the poorer Parbattiahs and Newars (women); comes to Kathmandu in pieces of five yards long, and less than two feet broad, and may be generally bought for 14 annas or one rupee per piece.
<i>Mumi Chint</i>	Also manufactured at Dankutuah and to the eastward; is very like the above; worn by the Parbattiah and Newar women, made into cholis (bodices) and saris. A piece of six yards long and 18 inches broad costs in Kathmandu about one rupee.
<i>Banarasi Chint</i>	Manufactured at Bhatgaon in the valley and named

⁵³ Taken from Alan Campbell, 'The State of the Arts in Nepal', Foreign Political Consultation, 29 July 1836, No. 26, dated 21 July 1836.

from its being an imitation of the Indian chintzes; is of different colours and patterns; not so coarse and heavy as the other kinds but thin and flimsy. Is used as lining for jackets and for women's dresses. A piece 14 yards long and half a yard broad, cost in Kathmandu about one rupee or up to 1-8-0.

Kabir Chint Manufactured chiefly in the hills west of Kathmandu; is coarse, heavy, very rudely dyed and printed, but the broadest of the Nepalese fabrics. A piece eight yards long by $2\frac{1}{2}$ feet wide costs about one rupee eight annas.

Durkeeah Chint Manufactured principally at Pokhara and Butwal; very coarse and heavy, but has a better width than the chintzes of the valley; used for jacket linings and worn as dresses; six yard long and two feet breadth costs in Kathmandu about one rupee eight annas.

Butidar Chint From its spotted pattern it takes its name; is a familiar one of the Bhatgaon chintzes. A piece of $6\frac{1}{2}$ yards long and half a yard wide costs about one rupee eight annas.

Hara Chint Comes almost exclusively from the small valley of Banepa, 20 miles east of Kathmandu; coarse and hard like the rest.

Purabi Kadi Manufactured in the eastern hills, is broader and somewhat finer than the Noakote khadir; a good deal of this article is exported from Nepal to Bhote. A piece of 14 yards long and $2\frac{1}{4}$ feet wide costs at present in Kathmandu three rupees.

Kasa Nepalese imitation of the Indian malmul or common gauze, a wretched manufacture. Is made in large quantities at Bhatgaon, and generally by the Newars throughout the valley. Is used for making turbans; a piece of eight yards long and six inches wide is sufficient for a pagri, and costs generally four annas. Worn by the poorer Parbattiahs and some Newars for the Asiatic turban is not general among the latter race, a small skull cap being the most common head dress among them.

Bhangra A very coarse and strong sack cloth or canvas, manufactured from the inner bark of trees, by the people of the hills, and

much used in the Valley of Nepal for making grain bags and sacks, for the transport of merchandize. The poorer people of the hills, who subsist chiefly by wood cutting and carrying, make this cloth in their houses and wear it. I cannot at present ascertain the description of trees whose bark is converted into this clothing, nor the detailed process employed in making it into thread. The hill people say that several different trees furnish the appropriate bark, and that it is necessary to beat and pound it as for paper-making previous to spinning it into thread. The cloth is exceedingly strong and durable, and is said to stand wet for a long time without being injured in texture. It is brought to Kathmandu in webs of about 5 yards long, and 12 inches broad, which costs on an average eight annas.

Rhari A coarse kind of woollen blanket manufactured by the Bhoteahs of the Nepal hills, and worn by them almost exclusively; is brought to Kathmandu in pieces of $7\frac{1}{2}$ yards long and 14 inches wide, and costs about three rupees. The texture is very thick and heavy, but it is admirably suited for the rainy season, to the inclemency of which the burden bearing and wood-cutting Bhoteahs are much exposed. The Newars do not wear this, nor indeed (as a general practice) any woollen garments. This is also for the most part of domestic manufacture, as every Bhoteah who possesses a few sheep has a web or two of it made up annually by his family. To add to the warmth and thickness of the Rhari, it is frequently improved by beating wool into it, which gives it the appearance of felt.

Bhote Has its name from that of the people making it and weaving it, the hill countries north of Nyakote and the valley of Nepal up to the snows produce this article. It is a thick and soft woollen stuff, half blanket half felt, much warmer and lighter than the rhari, but inferior to it as a protection against rain. A piece seven or eight yards long by eight inches wide costs in Kathmandu about two rupees eight annas.

Putasi So called by Newars. It is a strong coarse sort of check,

generally white and blue, sometimes red and white, is entirely a domestic manufacture, and very rarely procurable for purchase in the bazaar, the women not weaving more of it than suffices for their own wear. It is worn exclusively by the Newar women; a piece $5\frac{1}{2}$ yards long and $3\frac{1}{2}$ feet wide costs about $3\frac{1}{4}$ current rupees. There are several varieties of this stuff as to colour and pattern (some of them being striped instead of checked, but all are coarse and heavy).

Punika

The imitation of the table cloth manufacture of Dinapur and the variety technically called Beni's eyes. Three or four sorts are manufactured by the Newars, but all save one are coarse and heavy. It is worn by the better class of Newar, male and female, and by the Parbattia sardary occasionally. A web of six yards long by two feet broad costs three current rupees. The manufacture of this article is confined principally to the larger towns of the valley.

Bhim Page (Newari) Ancient manufacture and article of clothing of the Newars, but not worn by them in the present day. Is worn only by a class of outcasts, and is with difficulty procurable, its only use at present is to roll the corpse of religious persons in previous to being burned. The warp is of coarse cotton thread, the woof soft spun woollen yarn in addition to which some fine wool is amalgamated with the web in weaving it. Its texture is very soft, and is well calculated for a warm underwear; it is too fleecy to keep out wet. A piece of four feet long by two feet wide costs two current rupees.

CHAPTER SIX

SANSKRITIZATION AND UNITY

...even in a population firmly rebellious against all progress and totally void of ambition, once *dharma* is accepted on one point, it begins little by little to be accepted on others also by a kind of invisible radiation.¹

Law and literature vie with one another in the promotion of national unity. While literature has most frequently proved to be the midwife of nationalism (the almost universal expression of national unity in recent times), it is the law, and justice administered according to the law, that ultimately unites men and draws them together in society. Conquest determines new boundaries. Military force may impose new regulations and even oblige compliance with those regulations. But it is only law and the acceptance of the rule of law that brings men within the structures of society and defines their role in the society. Acceptance of the law thus becomes a critical point of analysis in our study of the growth of national unity in postwar Nepal.

To make our position clear from the very start of this chapter, we are not talking here about Kathmandu's right to issue laws or the duty of the conquered territories to obey those laws. These reciprocal rights and duties are implied in the notion of conquest that has been discussed at length elsewhere. To question this anew would be to empty the term 'unification' of all meaning, and we could well go back to a discussion of the unification of Nepal.²

Our discussion in this chapter centres on two points: the content of the law issued by Kathmandu, and the acceptance of that content by the local populations. Just as the fact of the acceptance of law by the people of Nepal is in itself a measure of the growth of unity, so the

1 Robert Lingat, *The Classical Law of India*, trans. J. Duncan M. Derrett (Berkeley, 1973), p. 206.

2 The political unification of Nepal is the central theme of the author's *The Rise of the House of Gorkha* (Ranchi, 1975), q. v.

content of the law actually accepted is indicative of the degree of unity achieved by the state. For law is inevitably a purveyor of culture and cultural values, and culture is by far the most pervasive of all the forces of unity operative among men. Arbitrary demands made by dictatorial powers, of course, have very little cultural content, which is precisely why they are called 'arbitrary'. In stable societies, however, the cultural content of law is very high for the simple reason that law attempts to define and regulate man's relations with his fellow men in society.³ When new laws are introduced into any society, the lawgiver must, therefore, accept as his point of departure the relationships that already exist in that society as well as the way the members of that society understand those relationships. There is always some social structure that pre-exists the law that is being introduced. Further, if law necessarily has a strong cultural content, its acceptance by the population (*if they accept it*) implies their acceptance of that cultural content as well. If segments of the population who once considered that cultural content as foreign to them accept such law, they enter at least partially into a new cultural union with the lawgivers and those other segments of the population for whom this cultural content was considered part of their own cultural heritage. We must, of course, keep in mind that critical distinction between the introduction of law and the acceptance of law. Both are important when we speak of the unifying force of law.

Discussion of the unifying force of law is important to our study.⁴ It is also one of the most vexatious questions that the historian of Nepal

3 *Encyclopaedia Britannica* (Chicago, 1974), 15th ed. 14: 1039: 'All legal systems perform four functions essential to the maintenance of societies and their cultures. First, they determine obligatory relations among the members of a society, making clear which activities are permitted and which are ruled out. Second, they allocate authority and designate who may initiate and carry through legitimate corrective actions leading to economic or physical sanctions when norms are violated. Third, they dispose of troublesome cases as they arise so that social harmony may be re-established. Fourth, they continually redefine relations among the members of the society as the conditions of life change, in order to maintain adaptability in the substantive and procedural law'.

4 A discussion of Hindu law as such would take us too far afield. It is hoped that limiting the discussion of Hindu law to its unifying force in Nepal will sufficiently restrict the subject to make it possible to cover it in one chapter and make it as concrete as such a topic can be made.

must contend with, since there is probably no aspect of the growth of unity in Nepal that is more challenging to our ability to transcend contemporary concepts than this question. Nor, in terms of understanding the problems and achievement of the growth of Nepal, is there any effort that is more rewarding. For it is here that we begin to understand those special qualities that have made Nepal, despite all the inequalities of income and opportunity that her people have known throughout their history, into a nation of unique character and strength.

The growth that I speak about in this chapter was not merely the result of initiatives taken by Bhim Sen Thapa's administration. In fact, his role was in many ways minimal and at times obstructive. Nor was this growth confined to this short period of history. But the critical dialogue that made it possible to step from regionalized customary law to a national code of law did take place largely during this period, and Bhim Sen Thapa's administration did continue this dialogue to the point where it yielded meaningful results.

A. THE PROBLEM

The problem which our discussion embraces has three distinct layers. There is the problem of regionalized, customary law in Nepal; the problem of the introduction of Hindu law into non-Hindu areas; and the problem of cultural accommodation.

Regionalized, customary law is precisely what the name suggests. It grew up in Nepal in the manifold political division of the country, where in each of the mini-states that pre-existed today's Nepal, laws evolved to fit the character of the people governed. To understand the implications of this statement, we must go back to our original discussion of the nature of these societies. They were not only small units created by the geopolitical forces at work in the country—closed, agrarian societies—they were also societies in which different ethnic groups had developed social structures that satisfied the religious, cultural, social, economic, and legal needs that they experienced.

1. Ethnic Diversity and Customary Law

No study has yet presented a satisfying explanation of the origin

of the ethnic diversity of Nepal.⁵ At this point in time, we must necessarily accept the presence of these different ethnic groups as an unexplained but significant historical fact. Ethnographically there was, and is, a difference as we move across the face of Nepal. There were different ethnic groups, and these different groups were bound together by customs that differentiated them from their neighbours. Today we find points both of strong similarity between such groups and also of sharp distinction.⁶ One hundred and fifty years ago, these distinctions could hardly have been less sharp, and it is possible that many of the similarities may have developed over the years as a result of cultural interaction in unified Nepal. The assumption, therefore, is quite valid that society at the time of our study was marked by strong ethnic diversity.

In addition to the cultural variations introduced into the closed societies of the mini-states by their varied ethnic composition, we must also consider the cultural influence of India and Tibet. In view of Nepal's position between them and the north-south orientation of trade patterns, no society, no matter how conservative and closed, could have completely escaped the cultural influences of India and Tibet. These influences were constant, penetrating, and prolonged. We can easily distinguish three broad areas of influence.

First, the cultural influence of India. Though it is impossible to assess the total strength of this influence, there are some indicators that deserve mention. The Indian influence in the Tarai is evident. Much of the development of the Tarai had been made possible by inducing Indian farmers to settle there. They certainly did not leave their culture behind them when they came to Nepal. The influence of their culture in the Tarai must, therefore, be seen as profound and predominantly

5 Dor Bahadur Bista, *People of Nepal* (Kathmandu, 1972) 2nd edition, p. xiv, quotes with approval Giuseppe Tucci, *Nepal, the Discovery of the Malla* (London, 1962), p. 76: 'the ethnographical study of Nepal, despite the many researches undertaken, is still one of the most complex in the world.'

6 Dor Bahadur Bista, *People of Nepal*, pp. xii-xiv, says, 'Owing to the lack of communication between different groups, each remained in its traditional area, isolated from other groups *until quite recently*. . . . People with so many different origins and cultural backgrounds cannot possibly be arranged into strict social frameworks. However, the values of the Hindu caste system tend to pervade the entire Nepali situation.'

Hindu in nature.⁷ Indian influence in the mid-montane regions was older than it was in the Tarai, less total in its pervasiveness, but more militantly Hindu in nature. This influence was the product of the Rajput and, to a lesser extent, Brahman migration from the plains.⁸ The intensity of this influence must be gauged in direct proportion to the strength of the reaction these Rajputs and Brahmans experienced to the Muslim invasion of India.⁹

Secondly, in the northern marches of the country the influence felt was of that special expression of Buddhism that had developed in Tibet. Here also there was a migration of peoples into Nepal.¹⁰ The Tibetan migration was far smaller numerically than the Rajput, but withal it represented a strong cultural influence in Nepal's northern districts.

Thirdly, in between these two areas of cultural influence there was a third area in which the weaker, outer reaches of the Hindu and Lamaist influences overlay a more primitive but equally viable expression of man's reaction to forces he could not comprehend and therefore felt he must placate. In this area there was the cult of Masta, the Bon cult, and various animist practices that still survive in some form or other in many parts of the hill regions of Nepal today.¹¹

Each of the hill societies that had developed in Nepal had grown up within the narrow confines of the mini-states that marked the pre-unification period. Each of them assimilated the cultural influences

7 There was also some Muslim influence, but there can be no question that the Hindu influence predominated, as it does today. See also Bista, *People of Nepal*, pp. 195-97.

8 Stiller, *Gorkha*, pp. 46-47, discusses the Rajput migration. Bista, *People of Nepal*, pp. 1-4, discusses the Brahman migration question.

9 It is possible that some of this reaction could be traced to a zeal for counteracting charges that in intermarrying with hill people they had lost status. Cf. Bista, *People of Nepal*, pp. 2-3.

10 Pradyumna Karan, *Nepal: A Physical and Cultural Geography* (Lexington, Kentucky, 1960), pp. 63-65. See also Michael Oppitz, 'Myths and Facts: Reconsidering Some Data Concerning the Clan History of the Sharpa', *Contributions to the Anthropology of Nepal*, ed. Christoph von Fürer-Haimendorf (Warminster, England, 1974), p. 233. Karan's cartographic representation of the extent of Tibetan influence, given on page 3 of his book, is completely out of proportion.

11 David Snellgrove, *Himalayan Pilgrimage: A Study of Tibetan Religion by a Traveller through Western Nepal* (Oxford, 1961), pp. 27-29; see also Prayag Raj Sharma, 'The Divinities of the Karnali Basin in Western Nepal', *Anthropology of Nepal*, pp. 244-59.

that touched on it in its own way. And each of them went on to evolve customs that were acceptable to the people of that society and were perpetuated by them in law, in ritual, and in the common life of the members of that society. This evolution of custom had the force of customary law in each society. Thus, to speak of a common heritage of custom and law in these hill states is to make an extremely broad generalization, which has very little real content and is based, perhaps, on a reluctance in some quarters to admit the reality of the cultural forces that were at work in Nepal. In this period there was actually more diversity than uniformity in Nepal, and this diversity was reinforced by the very geopolitical forces that first encouraged its growth.

Into this pattern of interacting influences and cultural developments the law of Gorkha, which was essentially Hindu law, was introduced.¹² The introduction of Hindu law was complicated both by the very nature of Hindu law and by the constraints under which the king and his administrators laboured.

2. Hindu Law and Ethnic Diversity

For the reader today the expression 'Hindu law' tends to be inaccurate and misleading. Since this was the law governing the social conduct of all those who were Hindu, there is a tendency to assume that it was a body of *statutory* law that was universally applicable throughout Hindu society. Such was hardly the case. The law of a state was 'Hindu' in the sense that it found its final authority in the *Vedas* and the body of Hindu scriptures that grew up around the *Vedas*;¹³ it was 'law' in the sense that it governed society in a particular locale; and it was 'universal' in the sense that it accepted society as a 'field' in which each individual in society proceeded to this ultimate destiny by fulfilling his *dharma*, his personal duty in life, which was understood as socio-religious in nature. Hindu law, however, was not a body of law in the sense accepted by juridical systems based on the concept of

12 Baburam Acharya, *Sri Panch Bara Maharajadhiraj Prithvinarayan Shah ko Samkshipta Jivani* (Kathmandu, 2024–26 B. S.), 4: 649–63.

13 P. B. Gajendragadkar, 'The Historical Background and Theoretic Basis of Hindu Law, *The Cultural Heritage of India*, ed. S. K. De et al. (Calcutta, 1962), 2: 423–4.

'legality.'¹⁴ The Hindu law of our period

substitutes the notion of authority for that of legality. The precepts of *smṛiti* are an authority because in them was seen the expression of a law in the sense in which that word is used in the natural sciences, a law which rules human activity. Everyone knows that no one can escape from that law. As a result, one must try his utmost to conform to it. But it has no constraining power by itself. It puts itself forward, it shows the way which one should follow, but it does not impose that way.¹⁵

The force of Hindu law lies, therefore, not so much in the expression of the law as in the ideal that this expression tries to grasp. The *dharmashastra*, and *smṛiti* writers¹⁶ tried to express that ideal in terms that were meaningful to contemporary society. But the force of law lay not in their statements, which were necessarily divergent (since they applied the law at different points of time to an evolving society), but in the ideal derived from the Vedic concept of the meaning and goal of human society.

Hindu law was thus the law of life. Individual expositions of that law provided a 'rationalized and systematized body of customary law and observances'¹⁷ that served as a practical code of conduct for Hindu society, but there was no single *body* of law that was universally applicable to all of Hindu society. We should not, however, understand by this that Hindu law was merely the 'law of conscience' or 'natural law.' Hindu law differed from what legal students call natural law insofar as it was *positive* law, enunciated originally in a nuclear form in the *Vedas* and later expanded to fit different situations in different times

14 'Legality': the concept that law derives its force from duly constituted authority and that the law itself contains an exact statement of the will of that authority. The law, then, is not only the norm for conduct but also for judgment.

15 Lingat, *The Classical Law of India*, p. 258.

16 The division given here is not disjunctive. The *dharmashastra* literature can be divided into three categories: *sūtras* (terse maxims); *smṛitis* (shorter or longer treatises in stanzas); and *nibandhas* (digests of *smṛiti* verses) and *vṛittis* (commentaries upon individual continuous *smṛitis*). I use the term *dharmashastra* to refer to the third category, which was intended primarily for legal advisers, etc.

17 J. Duncan M. Derrett, *Introduction to Modern Hindu Law* (Oxford, 1963), p. 2.

and localities.¹⁸ It also differed from what some have called the law of conscience in that it imposed positive social sanctions according to the social demands that a specific society made on its members.

From what has been said, it seems understandable that the application of Hindu law in a given set of circumstances was a difficult and demanding science requiring minds well-versed in the legal literature of Hinduism and in the science of interpretation. The legal practitioner of today, whether judge or advocate, can rely on several important aids for his understanding and application of the law. He has a definitive text of the law. He has the precedents set by previous applications of the law in the courts. And he has as his final recourse the intention of the law-giver. Hindu law offered the practitioner none of these. There was no definite text, but only the various commentators' interpretations.¹⁹ There were no precedents, since the decision of the judge in Hindu law always left the law intact and open to new interpretations. And, since the law found its source in revealed writings, there was no possible recourse to the intention of the law-giver. The western legal mind holds that the law is clear and the duty of the court is merely to determine whether the pending case comes under the law or not, and, if it does come under the law, to define the manner in which it does so.²⁰ The classical Hindu legal mind had to determine in the first instance what the law meant *in a given set of circumstances* and then to determine how it applied to the case under scrutiny. To help him in his task he had the principles of the law, the advice of the various commentators, and the living fabric of society in which the case was situated.

If, as a result of our discussion thus far, we conceive of Hindu law as a nebulous set of principles, we have missed the point entirely. Hindu law was definite, positive, and concrete, but it was really understandable only in the terms of the particular society whose actions it governed. Taken in abstraction it lost the space-time references that gave it meaning and precision in a specific society. The reason for this

18 P. B. Gajendragadkar, 'The Historical Background and Theoretic Basis of Hindu Law', p. 423.

19 Lingat, *The Classical Law of India*, p. 264.

20 This is implied in the concept of 'legality' described above. Some states have empowered their supreme courts to interpret the fundamental law of the land, which goes beyond the judicial duties described here.

lay in the fact that law and local custom interacted to create the rules that governed local society. The interplay of *dharma* and local custom were thus inextricably intertwined, with *dharma* insisting that man must fulfill himself by fulfilling his duties in society, and custom insisting that in this society, at this time, a man's duties were defined in these particular concrete terms.²¹

In a country such as Nepal this emphasis on local custom in the final definition of man's duties under the law played a role of paramount importance in the development of national law. All that we have seen above about the various mini-states that had divided the hills, their ethnic composition, and their varied reactions to the cultural influences that impinged on them indicate the presence of a wide variety of customs in areas that were not even nominally Hindu. Are we to assume that the imposition of the law of Gorkha, which was essentially Hindu law, meant that these local customs would be set aside in the legal structures of the new Nepal? In those mini-states that had accepted Hindu law as the basis of their own legal structures even before the Gorkhali conquest, there was no need. In these societies local custom had already interacted with Hindu legal principles to create the law of local society. But what of those other areas that were not Hindu in culture? Would the new regime feel obliged to introduce Hindu customs or at least to suppress local customs as a necessary step towards the introduction of the law of the state (Hindu law)? On the contrary, the commentators make it clear that the king's first duty, and that of his administration, was to insure peace. As a necessary adjunct to social and political peace, the king was obliged not only to preserve local customs but even to give such customs the sanction of law.²²

This brings us to the nub of the problem. In the circumstances that prevailed in Nepal, what unifying value did Hindu law have, since it not only countenanced the wide variety of local practices that the various regions of Nepal customarily accepted but was also under obligation to respect and even sanction cultural practices that were divergent from the Hindu ideal?

21 Lingat, *The Classical Law of India*. p. 202.

22 Ibid.

3. The Ideal of Hindu Law and Unity

It would seem that the force of unity in Hindu law must be sought in the ideal inculcated by that law and the socio-religious nature of the law. The prescriptive aspects of Hindu law seem to have had little unifying force. This seems to follow logically from the fact that Hindu law embraced local customs in the creation of the law of a locality.²³ If an attempt were made to graft Hindu legal prescriptions onto local customs that were incompatible with those prescriptions, the result would be social and political unrest. But the king's own *dharma* ('duty') to preserve the peace required him to avoid such unrest. There were thus times when the interests of peace demanded that the prescriptions of Hindu law be relaxed in favour of local customs,²⁴ and in a land where local customs varied as widely as they did in Nepal, such instances were necessarily of frequent occurrence. Consequently, it seems that the *prescriptions* of Hindu law were all but powerless to encourage the growth of unity between the various localities of Nepal. The relaxation of the prescriptions of law in favour of local customs served merely to strengthen the political structures that Gorkha had initially set up to govern the new Nepal, namely strong central control with decentralized responsibility and administration.²⁵ It was, in fact, this situation which had created the anomaly that existed in Nepal in the immediate post-unification period, during which many mini-states were bound tightly to the centre but were in no significant way bound to one another. This, combined with the *birta* and *jagir* systems that emasculated the regional administrator's real authority in the administration of law, was hardly calculated to inspire thoughts of unity.

But Hindu law, for all its allowances for local differences, did inculcate an ideal that had a unifying appeal to Hindu and non-Hindu alike. It was written, it offered broader scope for expansion than tra-

23 S. Varadachariar, *Radha Kussud Mookerjee Endowment Lectures, 1945, On the Hindu Judicial System* (Lucknow, 1946), p. 37.

24 Gajendragadkar, 'The Historical Background and Theoretic Basis of Hindu Law', p. 426; also Varadachariar, *The Hindu Judicial System*, pp. 127-28.

25 It is clear that this adaptability made Gorkhali rule acceptable in the newly conquered districts, but it should also be clear that such an administration would draw the various conquered districts no nearer cultural and legal unity.

ditional customs did, and it was spiritual.

Customs are handed on from one generation to another either orally or by observation. Though this is considered a quite satisfactory mode of transmission, it is actually subject to slow evolution. It depends completely on each generation's manner of receiving what is handed on, and each generation's manner of receiving is in turn influenced by subjective changes in attitudes. Thus, within the same community, different individuals and different families may perceive the same tradition in a different light. For religious customs and common festivals this creates no great problem.²⁶ But as a basis of law and the settlement of legal cases, custom is far less satisfactory than a written law. It is true that Hindu law required local interpretation. But it was written. The interpretation might change from time to time and from case to case, but the starting point, the law, was written and therefore fixed. Thus the written law held out the ideal of a more stable and satisfying norm for conduct than even long established customs.

Hindu law also offered broader scope for expansion than local custom. As the social texture of the community changed, the old customs were less satisfying as a means of settling disputes. There were too many loopholes that the old customs had not foreseen. Hindu law, on the other hand, presented principles which could be interpreted in almost any set of circumstances to give a satisfactory solution to the legal problem. The result was that the refinement of local custom invariably led to an increase of Hindu influence simply because Hindu law was better equipped to satisfy the community's expanding legal needs.²⁷

Most important in Hindu communities, the Hindu law inculcated a spiritual ideal. The attraction of this ideal rested on the religious values that form part and parcel of Hindu law and the veneration that

26 The wide variety of local customs connected with religious festivals throughout the world indicates quite clearly that there is ample scope in ritual and rite for local variations without in any way diminishing the religious importance of the festival.

27 Custom as a basis for law has one serious defect. A custom cannot be extended to cases that are not covered by that custom. To do so would be an internal contradiction. A custom is a basis of law because it says that things have always been done in this way. If we admit 'new' cases, then, quite obviously, we are saying that in these new cases things have *not* always been done in this way. Where then is the force of law ?

was traditionally accorded to the religious texts that enshrined it. As Robert Lingat has said so well:

Even when not followed, the rule of *dharma* always appears to the Hindu as a model towards which one should tend, for it is a principle of classification. A caste rises in the social hierarchy only as it approaches the usages practised by the higher castes, i.e. those who most respect the traditions set out in the *smriti*. Thus there will be a tendency, at least amongst the elite, to remove from custom usages frankly contrary to orthodoxy and to incline the group, or a part of the group, towards a mode of life more pure, or less impure.²⁸

One must be careful to read Lingat correctly. The religious ideal, the rule of *dharma*, is a reality, and it is attractive to the Hindu, whether at any given time he actually responds to that ideal in his personal life or not. Even if he does not respond for a time, there is strong social pressure to at least try to do so, because the whole social structure is based on *dharma*. Thus the appeal of the ideal combines with social pressure to urge orthodoxy and the removal of impure practices from one's personal life and from one's family. This attraction, strong even today, must have been extremely strong in a simpler age when there were far fewer criteria for social stratification.

This threefold ideal inculcated in Hindu law had its influence on all sections of the country, Hindu and non-Hindu alike. The spiritual aspect of this ideal was undoubtedly strongest in the Hindu areas, but even non-Hindu areas were subject to the influence of a written law that was more flexible and more capable of expanding to meet the changing needs of the community than was local custom pure and simple. Thus, Hindu law of itself and by itself would have had a unifying influence on the whole country even without positive encouragement of Hindu cultural ideals by the administration. In point of fact, however, there was a considerable degree of such encouragement during these silent years.

28 Lingat, *The Classical Law of India*, pp. 203-4.

B. SANSKRITIZATION

'Sanskritization' in its original usage referred to the upward mobility of castes in the social hierarchy.²⁹ The term is used here in a slightly different sense to mean the introduction through law of the Hindu ideal. The two usages are closely related, but the difference is sufficient to warrant calling it to the reader's attention.

It is also helpful to point out at this stage what our knowledge of the general characteristics of Hindu law and the fact that Gorkha was a Hindu state may lead us to expect from our analysis. Such a statement may serve as a useful bridge between the concepts of Hindu law already discussed and the Gorkhali practice. It may also help us to focus on those aspects of Gorkhali practice that were characteristic and proper to Gorkha's approach to legal questions as opposed to such practices as we might generally expect from any Hindu state.

1. Expectations

The introduction of the Hindu ideal follows on the nature of the Gorkhali state. As a Hindu state, the source of all royal power and prerogative were derived from the ideal embodied in *dharma*. This was the basis of society and the basis of all authority in society. The state must therefore function in accordance with the ideal of *dharma*, or at least aspire to do so. And this entailed the introduction of the Hindu concept of *dharma* in areas where it was not known and the call to a purer observance of *dharma* where it was known. Since the majority of the *bharadari* were either of Rajput origin or claimed such ancestry, we should expect among them a certain vigour in the aspiration towards greater orthodoxy and purity of practice of *dharma*. This official concern for orthodoxy was supplemented on a cultural and religious level by the choice of Kathmandu as the capital of the new state. Kathmandu Valley was an important centre of religious Hinduism and had been such for centuries.

29 M. N. Srinivas, *Religion and Society among the Coorgs of South India* (Oxford, 1952), p. 31, cited in Colin Rosser, 'Social Mobility in the Newar Caste System', *Caste and Kin in Nepal, India and Ceylon*, ed. Christoph von Fürer-Haimendorf (Bombay, 1966), p. 70.

Secondly, the need for tolerance was built into the basic concepts of Hindu law. It was also dictated by the geography and geopolitical reality of Nepal. Thus the geopolitical situation in the kingdom reinforced the Hindu concept of law and imposed on the king and his administrators concern for local customs and traditions, acceptance of them, and even sanction of customs that were at variance with the religious ideals that motivated the state. The basic criterion was: peace is to be preferred to the imposition of conformity. Where conformity could be achieved without the loss of peace, it would be pursued. Wherever the effort to introduce conformity endangered the fabric of peace within society, conformity must be sacrificed.

Lastly, we must expect social pressure towards conformity to the Hindu ideal. In terms of social structures, the Hindu ideal assigns the more favoured place to the higher, or purer, castes. In the practical area of preferment and promotion, we must expect the majority of government officers to be of the *kastriya* caste or, if the post be advisory, of the Brahman caste. And in the area of law and legal administration, we must expect government sanction of local customs to be required before these local customs can be considered as a basis for exemption from the general law.

These three, then, are the expectations we must have: the introduction of the Hindu ideal; tolerance of local customs; and social pressure to accept the Hindu ideal. These, I think, would be typical of any Hindu state operating in the same circumstances as Gorkha. One must insist here, however, that more is intended by the use of the term 'expectations' than the mere suggestion that we should not be surprised to find these elements. The introduction of the Hindu ideal, the tolerance, and the social pressure were strong forces, or drives, that were built into the situation. They were forces that would find expression no matter how much tolerance was built into Hindu law or how much the various localities might demand special treatment. And since these three expectations express the ways in which a dynamic Hindu state could be expected to act, they serve well as criteria by which we can assess the merits of the Kathmandu administration's performance in the areas of law and unity during the silent years.

2. Practice

The administration of law in the new Nepal saw a gradual evolution. In the period immediately following the conquest of any of the hill states a Gorkhali military governor with the widest possible powers in the local administration of justice was introduced into the locality. Even at this early date, however, such governors were required to respect local religious practices and to ensure that these practices be continued. Funds badly needed for other purposes were set aside for this.³⁰ This was not a passing sentiment. The correspondence of the period reveals constant pressure on local governors to comply with this order. True, the central administration's desire to establish and maintain peace and harmony in the newly conquered territory lay behind this directive to preserve the cultural and religious traditions of the locality rather than any real appreciation of the significance or value of local customs. The end product, however, was the same. The traditions were preserved. Nothing was said in official instructions at this stage about ethnic practices that were in opposition to Hindu law, and it can be assumed that the formal measures adopted at this time were few if any.

The second stage in the growth of the legal system was reached in the pre-war period. During this time the broad legal and judicial powers of local governors were greatly curtailed. Their duties were more clearly set forth in their letters of appointment, and the very statement of duties illustrated the tendency to centralize judicial responsibility.³¹ The fact that large stretches of the hills were assigned in *jagir* and *birta* reduced the local governor's real judicial powers even further, since normally *jagirdars* and *birta* owners themselves dispensed justice to the tenants on their lands. During this period it was common for teams of investigators to be sent on tour through large sections of the country. They were directed to investigate a variety of practices, ranging from traffic in land titles to the administration of justice on the local level. The administration's motives seem to have included the desire to keep com-

30 Administrative Ordinances for Jumla, issued 1851 B. S., Srawan (July 1794), nos. 1-3, cited in the author's *Gorkha*, p. 262.

31 Rautahat Administrative Regulations, dated 1860 B. S., Srawan (July 1803), *Regmi Research Series*, 4 (December 1972): 239-40.

munications open, to know what was really going on in the districts, to verify the opinions expressed in the local governor's regular reports to Kathmandu, and to prevent bribery and favoritism from depriving the centre of the revenues that were more and more demanded by the worsening economic situation in the state.

The silent years saw the third stage in the growth of the judicial system. During this period a new element enters the centre's administration of justice: the formal assimilation of local customs into the legal structure and an increased sanskritization of justice throughout the country.

a. THE DOCUMENTS

Two types of documents chronicle the history of this development. In the first of these types, *bicharis* ('judges') are appointed with jurisdiction over relatively large sections of the country. Detailed instructions were provided for the guidance of these judges in the performance of their task. These instructions give us the most complete exposition of the centre's policy in terms of the administration of law and its policies regarding sanskritization. The set of instructions provided here date from 1828, but almost exactly the same instructions are known to have been issued in 1812 and again in 1831, and, with minor changes, were quite likely the standard instructions sent to *bicharis* during the period of the silent years. In all likelihood they include the law that Hodgson calls the *Des Achar* of Gorkha. There are slight variations in different sets of these instructions in the clause on mortgages, but for the most part the various sets are identical.

From King Rajendra

Instructions for the *bicharis* ('judges') who go annually through the territory lying between the Mahakali River on the west and the Bheri River on the east, to direct the conduct of their work in the courts.

List of Instructions

1. If anyone should come with a complaint that he has suffered injustice from the *amali* ('head of village council') [in his decision of a quarrel], bring the *amali* and the plaintiff together and hear

each of them. If the *amali* is guilty of injustice, punish him in proportion to the gravity of his offence. If the plaintiff confesses that his charge is false, impose a fine equal to half of the punishment the *amali* had imposed on him, and allow the *amali's* decision to stand. If the *amali* does not come for the confrontation, set aside his decision in the dispute, make enquiries, and decide. Send the fine imposed on the loser and the tax on the winner (*jitauri*) to us.

2. In places where disputes arise, place the documents and *lal mohars* from both parties to the dispute before the Panchayat. Ratify whatever decision they reach. In a case too complicated for you to decide, send the documents to us. Decide the case according to our instructions.
3. In cases concerning the payment of debts, explain that the interest rate is ten percent for cash loans and twenty-five percent for loans in kind. If anyone comes with a complaint that someone has collected interest at rates higher than this, bring the two parties together and hear each of them. If a higher interest rate has been charged, punish the offender. Give him ten percent in cash or twenty-five percent in kind. Collect ten percent (*dasaud*) and send it here.
4. In areas where cases involving the five principal offences arise, hear the case. If the guilty one confesses, punish him in accordance with directives that have been issued in regard to these offences. Punish him according to the gravity of his offence. If the crime deserves the death penalty, put the culprit in chains and refer the case to us. Carry out whatever instructions we issue.
5. If anyone complains that he has been compelled to pay taxes higher than authorized, bring the two sides together and hear each of them. If it appears that the *amali* or whoever is in charge of accounts has been guilty of injustice, punish him. Return to the farmer whatever has been taken in excess of the prescribed tax.
6. If anyone is caught gambling except during the five days of Tihar, whether before or after that time, get a confession from him and punish him.

7. If a farmer comes to the court with a complaint, the *amali* or *thekdar* ('tax contractor') can go to settle the matter. If the *amali* does not go and the court sends someone to bring the plaintiff [to the court], let the *amali* not interfere.
8. If anyone comes with an accusation that someone has found and secreted treasure trove, let the accused and the accuser be brought together. Hear each of them and investigate. If the accused confesses, take the treasure and punish him. If the accuser confesses that his accusation is false, punish him severely.
9. If there has been incitement to insurrection, put the accused before the panchayat and investigate the matter. If the accused confesses, imprison him and send details of the case to us. Settle the case according to our instructions. If the strength of the *bicharis* alone is not adequate for this, let the people and the *amalis* assist in this work.
10. If someone from a caste that requires a Brahman to perform the rites for birth or death does not have a Brahman perform these rights and afterwards touches water to be used by others, punish him and send those who have been polluted by using this water to the *dharmadhikar's* man for purification.
11. In places where land has been mortgaged to a money-lender and the money-lender refuses to return the land even after the money has been repaid, punish the money-lender and return the deed to the landowner. Take only *pan-phul* ('small fees') from him.
12. When hearing a case that has been brought to the court, whatever district it may be in, consideration should be given not only to the *lal mohars* in force for that area but also the regulations that, after careful investigation, have been established by the *bharadars* according to the local caste differences and customs. Use these guidelines in settling disputes.
13. Whenever anyone is apprehended travelling without a passport in places where a passport is required or travelling by trails and passes that have been officially closed, get a confession from him and punish him. Do not allow trails that have been officially closed to be opened.
14. If someone comes to you claiming to be a free man, publicize

the case and investigate the matter. If it is decided that he is a free man, punish the one who sold him [into slavery], the one who purchased him, and those who acted as witnesses to the sale. Restore him to the status of a farmer (*raiti*). If the one claiming to be a free man is found to be lying, however, punish him.

15. If someone files a case over a commercial transaction that took place under laws that maintained before the district came into our possession, find out when the transaction took place and send us a complete description. Dispose of the case according to our instructions.
16. Pay the men required to carry out the work of the court according to the schedule given here out of the proceeds of the court. Send any sums over and above this to us through the *dittha* of the four courts [in Kathmandu]. Carry out the work of the court and be true to our salt.

Biharis (2)

Bahidar ('accountant') (1) [no allowance is stated]

Tahabildar ('treasurer of the court') (1)

Pyada (14)

17. Let the two *bicharis* take half of the income from *dasaud* ('ten percent of the value of goods involved in a case'), *beri*, *dunga*, and *karpan* as their share of the income derived from their labour. Dated: 1884, Chaitra, Sudi 15, roj 2 [Monday, 9 April, 1828 A.D.].³²

A second set of documents contains individual appeals in specific cases and government's replies to them. The vast majority of these documents deal with problems arising from land tenure and rents. But a sufficient body of them relate to caste regulations and sanskritization to be pertinent to our discussion of sanskritization and unity. These documents provide the second step in our explanation of the adaptation of Hindu law to local customs and the assimilation of local custom into the legal system. Four major areas of law are treated: (1) local customs at variance with Hindu law for which exception can be made: (2) local customs at variance with Hindu law for which no exception can be made: (3) ritual purity: and (4) intercaste sexual offences.

32 Bhim Sen Thapa Documents: 28/265/372-80.

b. THE DIALOGUE

These two sets of documents provide the official record of that essential dialogue by which the Hindu ideal was accommodated to local custom. Certain areas of conduct were outside the dialogue. There could be no tolerance of such crimes as cow-slaughter, even among non-Hindu groups who had traditionally not considered this a crime. A ban on cow-slaughter was imposed throughout the kingdom under threat of the most severe punishments.³³ Also, among certain groups of caste Hindus there was no dialogue on certain aspects of ritual purity including sexual offences, commensal relations, and the use of alcohol. Intercaste sexual offences between high caste Hindus and lower or non-caste Hindus were also totally outlawed under pain of severe punishment.³⁴ However, there were other local customs that were in direct opposition to Hindu law and which did not affect the religious practices of orthodox Hindus. Such practices as these, which remained in their effects within the caste or within the ethnic group, received special treatment. The pattern followed was usually a three step procedure: the government, either at the centre or at the local level, passed an ordinance or made a ruling that outlawed certain practices that were commonly permitted in the area; an appeal was made to the centre explaining that this ruling infringed on a traditional practice of the place; and the centre then normally permitted an exception from the general law under certain specific conditions. It is useful to see the functioning of this dialogue in its proper context.

The point of departure in our statement on the administration of law during the silent years is found in clause twelve of the instructions to the judges (given above), which states that whenever cases are brought for a decision 'consideration should be given not only to the *lal mohars* in force for that area but also the regulations that, after careful investigation, have been established by the *bharadars* according to the local caste differences and customs.' It is very clear that the *bharadars*

33 Dinesh Raj Pant, 'Swami Maharaj Rana Bahadur Shah ko B. S. 1862 ko Bando-bast', *Purnima*, no. 24: 238-67, clause 22. See also Regmi Research Collection: 20/118.

34 *Regmi Research Series*, 3 (January 1971): 1; also Chittaranjan Nepali, *Janaral Bhim Sen Thapa ra Tatkalin Nepal* (Kathmandu, 2013 B. S.), p. 203.

(local *jagirdars*, *birta* owners, and administrators) were obliged to study local customs and, after careful consideration, decide on the legality of these. These decisions plus the general directives sent out from the centre were to be the law of the locality. In point of fact most of the appeals against practices imposed on communities or appeals against decisions made against the continuance of a local practice originated from decisions taken on the local level by just such *bharadars*. There is the case of those people of Piuthan whose traditions permitted them to use the meat, if one of their animals, even a cow, died or was killed by an animal. Kazi Revant Kunwar ordered that this practice be stopped, and he imposed a fine of one and a half rupees on each household that had indulged in this practice. Later, Subedar Ratan Singh Thapa fined those found guilty of such a practice half a rupee, plus two annas to be paid to the arsenal in lieu of the animal hides that should normally have been given to the arsenal. The people of Piuthan appealed to the centre through Kazi Amar Singh Thapa of Palpa (at what expense no one knows), saying that the use of such meat had been a traditional custom of their people and that others in the kingdom were known to do the same. They requested permission to continue their traditional practice. The centre in its reply stated that they could follow their ancient custom if they followed certain provisions: there must not even be a hint of cow-slaughter; a list must be made of the families that had paid the half rupee to Ratan Singh Thapa; these families would pay one rupee per household plus two annas a year to the arsenal in lieu of hides. But they were allowed under these conditions to continue their traditional practice.³⁵

This case is typical of all cases originating in a clash at the local level between the ruling of the local governor or *bharadar* and the traditions of the people. It begins with the *bharadar's* decision that a certain practice is not in keeping with the Hindu ideal. Such food is not clean. He forbids it and adds the sanction of a monetary fine to establish his point. A new man comes along, and the people revert to their former custom. He permits it, but imposes a fine nonetheless,

35 Bhim Ben Thapa Documents: 6/544/201-3, dated 1867 B. S., Srawan (July 1810); 1/19/23, dated 1866 B. S., Baishakh (April 1809); and *Regmi Research Series*, 3 (February 1971): 31-32.

because, while he recognizes their custom, he still sees it as an infraction of the law. The appeal to Kathmandu achieves official sanction of their custom. They can do as they have always done. Their custom is officially recognized. The fine is a question which must be treated later, but the dialogue has been a success, and an essential accommodation between the Hindu ideal and local practice has been achieved in such a way that the central administration's authority is accepted and the local practice is recognized in law.

To take a second case, even at the risk of prolonging the discussion, in many ethnic groups in the hills the marriage bond was not considered to be as binding as we commonly consider it today. Divorce was a very informal thing. If a man wanted a woman who happened to be already married, and she were so inclined, she went with him. If she stayed with him, various fees were paid, and that was the end of it. To the Hindu ideal this was the clash of clashes. A woman was married to a man once, for all time, until death do them part and beyond. There was no remarriage. There was certainly not a casual breaking of the marriage bond. The same sort of dialogue took place in this instance. It began when a *bharadar* on the local level forbade such practices. The local people then appealed to the centre with the claim that such practices were considered permissible in their community. The centre, after further clarification, then permitted the practice to continue, but added a fine, *chak-chakui*, for those involved.³⁶ In some cases the central government also specified the steps that should be taken in the event that the second husband rejected the 'wife' of such choosing.³⁷ Local custom was thus tolerated, even in cases such as these, on the condition that it received approval of the central government. And this was true despite the fact that the practice in question was in direct contravention of the Hindu ideal. The monetary fine poses another question, and this we will comment on later.

The areas of conflict between local customs and the Hindu ideal, as it was interpreted by the *bharadars* in their administration, were numer-

36 Bhim Sen Thapa Documents: 2/527-29/75-76, dated 1866 B. S., Ashad (June 1809); also *Regmi Research Series*, 5 (July 1973); 139 dated 1895, Ashad (June 1838).

37 *Regmi Research Series*, 5 (July 1973): 139.

ous. Some of these conflicts involved extensive dialogue, such as the case of Panchgaon in Thak Khola, where the local people demanded the right to administer the territory for themselves with no outsiders, not even official judges, to interfere with their local customs.³⁸ In these cases the accommodation was more painfully worked out, but eventually an acceptable compromise was reached. In cases such as the right of inheritance, the final accommodation was complicated simply because of the wide divergence of inheritance practices that existed. Each locality's practice allowed of a simple solution but the total number of localities that appeal for exception from the general norm added up to an enormous volume of correspondence and made it impossible to assign a simple solution that would fit them all.³⁹ The pattern, however, remained the same. Wherever accommodation could be made, it was made. The significant point that must be remembered, however, is that all local customs, if they were to retain any validity, had to be submitted for the central administration's sanction. Customs were thus valid, not merely because they were customs of long standing, but because they had the approval of the central government. Gradually the right of the central government to intervene in local society in matters other than land tenure was recognized. At the same time, the central government steadily built up a record of the local practices that they must consider in the legal administration of the country. The first of these was a small step towards unity in the country. The law was the law and had to be obeyed. The second directly prepared the way for the first code of law in Nepal, the *Muluki Ain* of Surendra Bikram Shah, promulgated in 1854. The dialogue of the silent years was the essential preparatory step for this legal development. Without this dialogue, it would have been impossible to produce a single legal code for a country like Nepal.

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- 38 Bhim Sen Thapa Documents: 1/208-14/199-205. In 1866 B. S. (1809) the attention of the durbar was called to the fact that many *panchgaunles* ('people of Panch Gaon') petitioned the palace to allow them to administer their own affairs, with neither a *bichari* from Kathmandu nor a Thakali administrator. This was granted. The *Panchgaunles* were urged to return to their own district, and an annual assessment of Rs. 3001.00 was placed on the territory, to be raised by the local people.
- 39 Regmi Research Collection: 26/635, dated 1894 B.S., Baishakh (April 1837); also 40/114-15, dated 1866 B.S., Kartik (October 1809).

C. RESULTS

The most striking result of these developments in Nepal's legal history was the encouragement of the growth of tolerance for one another among the peoples of the new Nepal. Whether individuals liked it or not and whether they approved or not, peoples of other backgrounds and ethnic origins had the right under law to continue to do things differently. Although one might have strong reservations about certain aspects of the legal structures that were emerging, especially as regards the growth of national unity, it is nevertheless true that this legal recognition of customs which were contrary to accepted Hindu practice encouraged the growth of tolerance in Nepal. And this was in itself an important contribution to the Nepali character as we know it today.

Geographic discontinuity certainly contributed something to this growth of tolerance. Peoples traditionally separated by difficult mountain barriers were less likely to be deeply concerned because those living in another valley had customs different from their own. And this was true regardless of what an abstract social order might dictate.

The mutual interaction of Hinduism and Buddhism also contributed to a special spirit of tolerance in the country. Long before the legal system as we know it today began to develop, Hindus and Buddhists were living in Nepal in harmony and peace. And this can never be overlooked, even when the discussion includes areas well outside the ambit of Kathmandu Valley, where this harmony reached its finest expression.

There can be very little doubt that the government's helplessness in the face of the situation also made its contribution to the growth of tolerance in the country. Even had the government possessed the military might to impose a uniform code of conduct (a supposition that is in itself extremely doubtful), it would have been a barren victory. The farmers would have decamped, as they had frequently done for other, lesser reasons, and left the fields untilled and the crops not sown. The situation had to produce tolerance of a sort, and it did.

The villagers of Nepal also had a traditional attitude of unconcern towards government as long as government left them alone which also contributed something towards the growth of mutual tolerance. There

was a common recognition that the important thing was survival, to produce enough grain to feed one's family. And, while this attitude of survival can breed quarrels and disputes over relatively minor things it is also quick to sympathize with another's struggles. Such an attitude makes it very difficult for government to introduce radical cultural change and tends to look sympathetically at the *status quo*.

It is law, however, that provides the ultimate test of tolerance. All other expressions of tolerance are meaningless unless they find expression in the law by defining a person's position legally. It is true that there can be laws that insist on tolerance and yet there still be no tolerance. History is full of examples. But unless tolerance is reflected in the provisions of the law, there is not real tolerance. And here lies the importance of the legal dialogue that took place in Nepal during the silent years. This dialogue established a legal right for different classes of people to carry out certain traditional practices regardless of what their neighbours might think of those practices. It prohibited people from interfering.

This dialogue that was carried on between the central administration and the peoples of various ethnic groups must not, however, be made into something greater than it was. Its style and content was typical of the country at that time: simple, straightforward, and down to earth. No great humanitarian urge lay behind it. The dominant note throughout this dialogue was quite patently the central administration's desire to control local administrations. This was to be expected in a unified state, and it in no way detracts from the important results this dialogue achieved. Quite possibly local governors, in the interests of peace and tranquillity, did allow at different times the continuance of practices that were not totally acceptable to orthodox Hindus. But this had no significance at all in the context of the tolerance built into legal structures. Such actions were officially unrecognized and arbitrary in the best sense of the word: what one governor permitted, another could forbid. It was the correspondence with the central government, the detailing of local practices for which exemption was sought, and the government's grant of permission under carefully spelled out conditions that established the legal structure that lasted. The insistence that the central government alone was competent in these matters

continued throughout this period. This insistence made a written dialogue necessary, and this written record made growth possible. Almost certainly this growth was secondary to the central government's primary intentions, but it was no less valuable simply because it was not directly intended.

Nor should we allow ourselves to become too romantic in our thinking about the tolerance that this legal structure produced. It was tolerance, not respect. The right to be different had to be paid for in hard cash. And people who asked for such exemptions were relegated to a lower caste status than those who accepted the requirements of orthodoxy.⁴⁰ We would not normally expect more than this, but it is useful to have this reminder when we speak of tolerance. So often when we try to point out the progress made in the past, the reader, who is less familiar with the documents and their sometimes unseemly details, either loses perspective and glorifies the past beyond reason or else he assumes that the writer is trying to do so. We have to walk the middle way, realizing that there was progress but also that progress does not mean that the whole system and the men who manned the system were changed over night. Such was far from the case. From the time when these first hesitant steps were taken to the time when the Nepalis would be recognized as persons equal before the law, a long and painful road would have to be walked. At the same time, recognition of this truth does not lessen the importance of the first step on the journey.

D. CONCLUSIONS

How far did the growth of the legal system in Nepal during the silent years contribute to the growth of unity in the country? This, after all, is the basic question of this chapter. The answer is far from being simple. This period of dialogue prepared the way for the nation's

40 As Lingat, *The Classical Law of India*, p. 202, has said, the fact that Hindu law recognized the validity of local custom does not mean that it considered the failure to observe orthodox Hindu practices to be free from sin. The law was the law of salvation and had to be observed. However, the introduction of monetary fines in what was essentially a spiritual and ethical sphere was no more acceptable in Nepal than it was anywhere else in the world, and historians have regularly decried this practice as being contrary to basic human rights.

first code of law. As early as 1774, Prithvinarayan Shah had seen such a code of law as desirable,⁴¹ but it was not for another eighty years, in 1854, that Nepal was prepared for it. Insofar as a unified code of law was an important step towards unity, the legal dialogue of the silent years was also a step towards unity. But before we endorse the movement represented by this dialogue wholeheartedly, it might be good to ask some questions about the content of the law that was developing.

1. Judicial Fines and Unity

One point that stands out in any reading of the documents dealing with law and the administration of justice during this period is the prevalence of judicial fines. True, judges, courts, and those who serve the courts must be paid by the public. Undoubtedly an argument could be made that those who use the courts must pay for the maintenance of the courts. Although this does contain a basic injustice in the sense that very frequently those who most need the protection of law are ill-provided with the means of paying the costs of justice, it could still be understood in a state whose public finances were organized in the way that Nepal's were. But even if we should grant that in the prevailing circumstances there was no other way to finance the courts in Nepal than from the judicial fines which the courts collected, we still have not explained the fines that were arbitrarily assigned when the courts were not called into action. Traditional customs were recognized and approved. But a fine was exacted. The *bharadar*, who was a paid government servant enjoying the revenues of his *jagir*, administered justice to the tenants on his lands, imposed fines on them, and kept these fines as a part of his revenues.⁴² There seems no way to escape the conclusion that justice and the courts were considered a source of revenue. And this supposition is confirmed by the fact that the right to judicial fines of certain categories was regularly included among the emoluments granted to those who financed the settlement of land, to *ijaradars*, and the like.⁴³ It is evident that all this involved a massive conflict of inter-

41 Prithvinarayan Shah, *Dibya Upadesh*, ed. Yogi Narhari Nath (Banaras, 2016 B.S.), pp. 12–13.

42 Mahesh C. Regmi, *Land Tenure and Taxation in Nepal* (Berkeley, 1963–68), 2: 6 and 3: 10.

43 See Appendix B, chapter two, above, where the right to judicial fines is expressly included in the *ijara* contract.

est. How could one dispense justice equitably when the judicial fine imposed was considered fair profit for the judge? And it is difficult to see how the element of human greed and cupidity could long be kept leashed when the system itself said that the courts were a legitimate source of revenue and profit.⁴⁴

No matter what steps were being taken towards a unified code of law, the legal system in such circumstances became a source of division and not of unity. The system itself, not abuses to the system, was driving a wedge between the simple people and the *bharadars*. The system itself produced this result, because the judicial system itself was made to serve the economic needs of state and noble alike. Justice was not only not blind, she very distinctly winked at the *bharadars* of Nepal.

2. Tolerance and Unity

Secondly, while the legal system that emerged from the dialogue between the central administration and different ethnic groups in the districts fostered tolerance, tolerance is not enough to create national unity. Tolerance at its best says, 'You have a right to be different.' Unity says, 'We are brothers.' And there is a vast difference between the two. Granted that law can never create brotherhood, law can and should minimize differences. There are always differences between the peoples of a nation. Brotherhood and unity can be created only when these are accepted, recognized, and respected. The dialogue that produced acceptance of local customs in Nepal was a step in the right direction, but it stopped short of the goal. The question is why? In one sense, of course, it is totally unrealistic to assume that anyone in Nepal had the goal of national unity that we have today. The mentality of the times, the caste structure of society, and the scope of government

44 There is ample testimony that it was not. The most noteworthy is that of William Traill, 'A Statistical Sketch of Kamoan', *Asiatic Researches*, 16 (1828): 190, speaking of Revant Kunwar's assessment of revenues in Kumaon: 'The demand thus authorized, generally speaking, was by no means excessive or unreasonable, but the absence of a controuling power on the spot, rendered the arrangement almost nugatory, and the military chiefs were enabled to evade it by the power invested in them, of imposing fines, at their own discretion, in the administration of the interior police.'

allowed little thought of such unity as we expect today. Times change, attitudes change, and social objectives change. But it is not necessary that we judge the performance of the Bhim Sen Thapa administration in the field of law according to our own standards. If we look back at the expectations we had after considering the nature of Hindu law, we find that we expected tolerance, the introduction of the Hindu ideal, and a certain amount of favouritism. We did not expect the administration to embrace the customs of non-Hindus. We only expected that they protect them. The object of this attitude was the preservation of peace and security. One may surely ask without prejudice whether peace consists merely in the absence of civil strife or is peace a state of well-being that is derived from mutual acceptance? Arguments could probably be made for either side, and the arguments an individual accepts very likely determine his concept of the state. But unless an administration strives to create a sense of well-being and acceptance among all the peoples of the state, there is no real growth towards unity.

3. Ethnic Groups and Unity

The fines that were imposed upon various ethnic groups for the right to be different tell the story. Not only do they tell us that the administration was not overly concerned with the promotion of unity among the people, they also speak of a certain attitude of the administration that militated against unity. What lay behind the imposition of these fines? Were they imposed merely because the administration wished to impress on those who had to pay them that Hindus were a privileged class in a Hindu state? That those who were not Hindu would either conform in practice or pay the penalty? If this were indeed the intention of the administration, there were many ways in which such privilege could have been shown that were more effective than the imposition of monetary fines on these who could ill afford to pay them. We now know enough about social mobility in Hindu society to realize that there were quite enough social pressures towards conformity without imposing monetary fines.⁴⁵ In all likelihood, the imposi-

45 Bista, *People of Nepal*, p. 195, says: 'The widespread movement of Brahmins has influenced various basically non-Hindu groups through Brahmanic ritualism. A majority of the Magars, a great many Gurungs, almost all of the Sunwars, and many Rais, Limbus, Tharus, and Danuwars have adopted social values, caste attitudes, wedding procedures and the like of the Brahmins.'

tion of fines for this purpose would have been counterproductive in any case. We could discuss this at length, of course, but it would bring us no nearer to an understanding of what the administration was doing. There seems to be no reason to think that the imposition of monetary fines in these cases had anything at all to do with the concept of a Hindu state. A very strong argument can be made in support of the opinion that these fines were merely one further illustration of the administration's attempt to maximize revenues, and that there was a close parallel between these fines and the right that was extended to *birta* owners, *jagirdars*, and *ijaradars* to include judicial fines among their emoluments.⁴⁶ The objective was purely monetary. The administration needed cash revenues, and this opportunity was seized upon as a way to increase revenues.

At first sight this seems like a harsh statement. But is it really? When all the aspects of economic life in postwar Nepal are considered, do they not all point to the same fact, that the administration imposed hardships on the people of village Nepal because the cost of the administrative structure was far too great for the economy to support? It is very likely that this tax was considered as just another tax and was imposed accordingly. It is equally likely that the people accepted it in the same spirit.

Were it not for the fact that these differences based on ethnic origin and caste were being steadily built into the legal system, there would perhaps be less reason for concern. But they were most definitely becoming part of the legal structure of Nepal. Not only was the legal dialogue of the silent years building up a record of legally sanctioned differences in custom and practice, it was also building up a record of differences in treatment meted out to citizens of different ethnic or caste backgrounds. The dialogue, besides preparing the way for a unified code of law, was also preparing the way for a code of law that would fail to recognize that all citizens were equal before the law. And this unfortunate development was not the product of Hindu law but the work of an administration that found itself so pressed for funds that it seized on every opportunity to increase revenues, no matter how detrimental

⁴⁶ There is, in fact, no indication whatsoever that a distinction was made between judicial fines imposed for various offenses and these ritualistic fines.

some of their measures might prove to the common good or to the growth of unity in the country.

How could the administration have performed so badly in this regard? Even if they had not understood the economics of the situation, they must have seen what was happening in village Nepal. Surely in twenty-one years, the silent years between 1816 and 1837, someone must have come into the administration who understood what was happening in village Nepal and proposed some idea of how the administration could cope with it. We might well ask in our next chapter what was going on in the administration that prevented the administration from responding to the cry of village Nepal.

CHAPTER SEVEN

INSECURITY AND UNREST

Reflect that in the country's prosperity the men of merit in your ranks will have a larger share than the great mass of your fellow countrymen, but if you have other designs you run a risk of being deprived of all.¹

The pace of change during the years 1816–39 was slow. These were the silent years in comparison with the years that preceded and those that followed. Administrative changes were few. The introduction of the *kut* system of revenue assessment during the immediate pre-war period dictated a more detailed record system for both government (*raikar*) and *jagir* land. At the local level, the revenue collection machinery that was gradually evolving reflected the first hesitant steps towards a genuine civil administration. Though regional administrative centres began to develop, there was no clearly defined organizational role for such centres, and the growth that they enjoyed was more the result of the villager's need for such centres than of government's conscious planning. Commerce grew very slowly, though there was some growth of grain markets in both the hills and the Tarai. During the whole period of the silent years, the organization of the central administration remained substantially the same as it had been during the pre-war period. Development of the legal structures of the country was steady, as the central administration's dialogue with the various local ethnic groups found expression in a record of officially sanctioned local customs. In due time this record would become the basis for the nation's first code of law. In general, though there were few dramatic changes during the silent years, there was steady progress towards national unity. The pace of this growth was slow. At times it was actually hampered by official action. But the growth was there and it was real.

1 Thucydides *History of the Peloponnesian War* 6.40. Athenagoras' speech to the Syracusans.

A. A CEILING ON JAGIRS

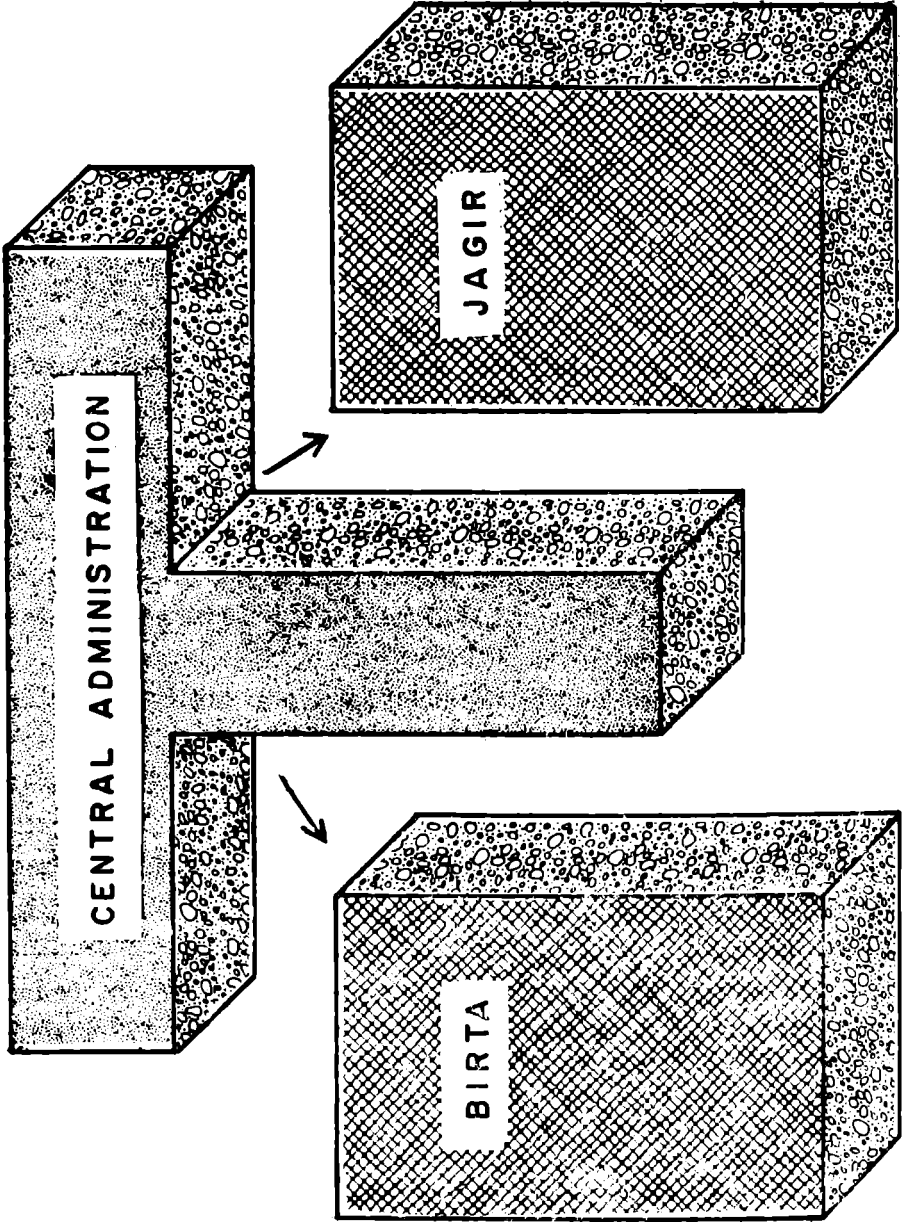
This slow rate of change, however, had a debilitating effect on the *bharadari*. In the years of Nepal's unification, the *bharadars* had ridden the crest of the wave of preferment. As the army grew to meet the military demands of continued westward expansion, new commands and new *jagirs* had opened up at a regular rate. This had suited veteran officers well. Younger members of the leading military families had stepped into these posts as if they had been born for command.² This younger generation had been assured of an opportunity to enter the *bharadari* in their own right. What these young men made of their opportunities depended largely on their own successes. Since no great administrative ability was required for most posts, a young officer had only to show a modest flair for leadership. Given this, the fighting qualities of the men he led almost automatically assured him of the success he needed to establish himself as an accomplished officer. Sons of veteran officers thus began to look upon a military *jagir* almost as their birthright. At the same time, military growth had provided an outlet for youthful ambitions that was both safe and in the interests of the nation.

Sagauli put an end to the need for a constantly expanding army, and new military posts were few.³ Military families, however, continued to grow. The *bharadars* were thus forced to consider alternatives within the government service to provide the *jagirs* that they expected as their rightful due. They found, however, that there were even fewer posts available outside the military establishment. This was true large-

2 In *The Rise of the House of Gorkha* (Ranchi, 1975), pp. 277-94, I have tried to show the correlation between Nepalese territorial expansion and the growth of the army. If we add the time element to this and the known appointments of the sons of *bharadars* to positions in the officer class, which is easily documented, it is quite clear that there is a sufficiently strong correlation between the growth of the army and the posting of sons of officers to higher posts to justify this statement.

3 The Treaty of Sagauli put an end to Nepalese territorial expansion. Since the growth of the army at this time was directly related to and conditioned by Nepalese territorial expansion, the growth of the army was also stopped by Sagauli. The introduction of the military 'roll' made no significant difference, since it increased the number of trained soldiers but did not increase the number of military companies or officer opportunities.

ADMINISTRATIVE JURISDICTION



ly because of the restrictions that the land tenure system had placed on the direct jurisdiction of the central administration. Only an increased rate of regional administrative development and a corresponding economic growth could create openings in the administration for those who sought *jagirs*. Yet the conservatism forced on the administration by Bhim Sen Thapa's policies restricted that growth. The result was great pressure on the *bharadari* that led to increased competition for *jagirs*, connivance to retain *jagirs* once acquired, and an almost subservient loyalty to those from whom appointment and promotion depended.

1. Administrative Jurisdiction in Profile

Before we attempt to explain some of the constraints under which the civil administration laboured, we must try to understand how very simple were the administrative structures of Nepalese society during the silent years. Bridging the gap between the Nepal we know today and the Nepal of yesterday requires a conscious effort. We must begin with the realization that government has expanded enormously over the years. Today there are government officers at every level of society working in development and administration in almost every locality. There are *panchayats*, schools, health centres, and, of course, the various branches of the administration itself, including the police and courts. As simple as this structure may seem to the visitor who treks through the hills today, it remains an amazingly complex structure in comparison with the simple governmental structures of the silent years.

Perhaps the most striking way to realize this difference between 'then' and 'now' is to contrast the total and all-pervasive jurisdiction of the central administration today with the partial and indirect jurisdiction that the central administration enjoyed throughout most of Nepal during the silent years. The terms 'partial' and 'indirect' are used advisedly. There were large areas within Nepal that owed full allegiance to the government of Nepal but which were exempted in most day-to-day matters from the jurisdiction of government. Such areas included the *rajya* states, all of the territories held in *birta*, and all of the territories held in *jagir*. In addition there were small areas such as that of Thak Khola which, though not *rajya* states, were assimilated to *rajya*

states for the normal functions of government.⁴ This statement of the limitations placed on the central administration's jurisdiction has to be understood correctly, of course. The still-functioning rajas, the *birta* owners, and *jagirdars* were subject to Kathmandu. They either obeyed Kathmandu's orders or they were replaced. However, as long as the rajas, *birta* owners, and *jagirdars* obeyed the central government's directives, they held almost total control of the areas where their lands were situated. They referred major problems to Kathmandu and submitted major crimes to the judgment of Kathmandu, but in all that pertained to the regular routine of life they were the final arbiters. There was nothing for government to do in these areas. There was thus either no need for a government officer's presence, or, as in the case of the *rajya* states, the role played by such officers was limited to liaison work. Properly understood, it is no exaggeration to say that these areas were exempt from the normal jurisdiction of the central administration.⁵

The area exempted in these ways from the centre's administrative machinery included most of the arable land in the hills and large parts of the Tarai. No exact figures for the area of land involved or the population on that land can be given. There are two major reasons for this. We cannot estimate from presently known records the total amount of *birta* land that had been assigned in the hills. Also, periodic changes in the methods of collecting *jagir* incomes for army personnel make it impossible to calculate accurately the total amount of *jagir* land assigned to the army.⁶ Army pay scales, however, provide a basis

4 Dinesh Raj Pant, 'Asrit Rajya Upar Bahadur Shah le Lièko Niti', *Purnima*, No. 6: 51-55.

5 The *rajya* states and those states assimilated to them were as much a part of Nepal as any other part of the kingdom. The essential point that differentiated them from the other districts in the country was the freedom the *rajya* states enjoyed to conduct their own internal affairs. Even this freedom, however, lay within certain strictly delimited boundaries. See Stiller, *The Rise of the House of Gorkha*, pp. 257-61.

6 During the early years of Gorkhali rule, land grants specified the boundaries of the grant but not the area. It was only during the period covered by this study that the necessity of maximizing land revenues began to force the administration to measure the land included in a grant. The confusion in taxation measures reported by Mahesh C. Regmi, *Land Tenure and Taxation in Nepal* (Berkeley, 1963-68), 1: 53-122, is directly related to this.

for a good estimate.⁷ It required approximately twenty square miles of *rice* land to support one military company of eighty-five rifles and their attendant ranks. The fact that the Nepal army had over ninety military companies, many of which were much larger than eighty-five rifles,⁸ suggests a total approximation of 2,500 to 3,000 square miles of rice lands required for military *jagirs*. This does not include the emoluments of higher ranking officers such as captain, *sardar*, and *kazi*, nor their additional pay (*khuwa*). These were derived from taxes on homesteads (*pakho*), figures for which cannot be translated into actual areas of farm land.⁹ Kathmandu Valley, the largest of the mountain valleys of Nepal, has less than four hundred square miles of rice land. It becomes clear, then, what an enormous stretch of hill land was required to put together the packet of 2,500 to 3,000 square miles of rice lands required for the support of the military alone. And all of this land was exempt from the direct jurisdiction of the central administration in day-to-day matters.¹⁰ For all practical purposes, the central administration's direct jurisdiction seems to have extended only to the three major cities of the Valley, the Tarai, the area around Beni in the central hills, and the western hills.¹¹

2. Personnel in Regional Administration

The reduction through land grants of the areas under the direct jurisdiction of the central administration also limited the number of government personnel required in regional administration. The

7 Pay scales for military ranks were fixed and uniform. There is a strong suggestion that senior officers had a means of augmenting this through subsidiary payments. The estimates given here, however, are based strictly on the pay scale.

8 A company of eighty-five rifles together with supporting personnel numbered a total of 142 officers and other ranks (163 if *khalasis* were assigned). See Appendix A of this chapter for a sample of the detailed pay scale.

9 *Pakho* is unirrigated land. The tax on *pakho* land was essentially a homestead tax, but it did vary with the size of the holding. However, such taxes were expressed in the vaguest possible way. The basic unit was the amount of land a man could plow in a day. The rate was higher if he plowed with a bullock and lower if he used the *kodale*. See Regmi, *Land Tenure*, 1: 64.

10 *Ibid.*, 2: 4-7 and 3: 9-11.

11 On a percentage basis, far less of the Tarai was assigned in *jagir* than in the hills. See Francis Hamilton, *An Account of the Kingdom of Nepal* (Edinburgh, 1819), pp. 151-64, and Stiller, *Gorkha*, pp. 27-32, but cf. Hamilton, pp. 112-15.

government officers so involved were very few. It must be recalled that at the village level most village matters were handled by the *amali*, the headman, of the village. For regional administration properly so called, the central administration appointed teams of judges, occasional inspection teams to look into specific matters such as the *hulak* service or land assignments, and local governors. The total number of such personnel was not high. The rank of the regional administrative officer might vary. *Chautariyas*, *kazis*, *sardars*, and *subbas* performed this function at various times. There seems to have been no fixed pattern for the appointment of any rank to a particular post. In general, however, there were six *subbas* in the Tarai, a *subba* at Beni, a *sardar* or *kazi* at Palpa, a *kazi* or *chautariya* in Doti and Jumla, and a *sardar* or *subba* at Chainpur in the east. At Makwanpur, Gorkha, and Nuwakot, military commanders doubled as regional administrators.¹² We must allow, then, for eleven regional governors plus the governors of Kathmandu, Patan, and Bhadgaon.¹³ Military commanders who doubled as governors could rely for support on their own staff. The other governors, however, required assistance, and this created a few posts. But the number of such assistants was restricted both by the very limited nature of the tasks they had to perform and by the fact that their emoluments had to be paid from local revenues. The greater the expenses for regional administration the less revenue could be forwarded to a central administration always in search of increased funds. Each governor had a *kharidar* to assist with the correspondence and whatever records had to be made. Beyond that, his staff was limited to the officers of the courts and whatever number of personal assistants he felt he needed. It is apparent that the regional administration offered very few openings for high ranking officials. Even the few openings that existed were frequently filled by military personnel, since there was no

12 This statement is based on Hamilton and Hodgson. We speak here of governors with real jurisdiction. In all of the former mini-states, Hamilton, *Nepal*, p. 104, reported that a *subba* had been appointed in the place of each raja. During the silent years our survey indicated that this practice had been discarded. It is interesting to note that even in Hamilton's time a *subba* was considered an 'officer of revenue, justice, and police', q. v. p. 105.

13 The term 'governor' is used loosely in relation to the three major cities of Kathmandu Valley.

clear cut distinction at the regional level between the military and civil administration.¹⁴

Apart from the occasional inspection teams that toured the country and the teams of judges sent out from Kathmandu, there is no way to describe the relationship between the regional administrator and the village that would be meaningful in terms of today's administrative vocabulary. The village moved in a separate orbit entirely, which intercepted the regional administrator's orbit only at certain fixed points such as taxation, defence, justice (major cases only), and such compulsory labour obligations as were preempted for services like *hulak*, work in arsenals, and the supply of certain goods and materials to the government. This impression stems from the fact that intercourse between the village and the central administration was almost totally one-way. There was a constant flow of goods and services to the administration; there was very little interference, organization, or control of local affairs; and no service was provided other than justice and protection. Education, health services, and development services are all products of a later age. During the silent years village Nepal for the most part ministered to its own needs.

3. Pressure on the Bharadari

The role of government was limited. This we have already seen and again underscored here. In terms of employment, this meant that the central administration required very few persons. Outside of the army, the number of posts open to aspiring candidates for government service was acutely limited. Not only was Nepalese society conservative during the silent years both in its traditions and the style of government, but there was very little upward social mobility.

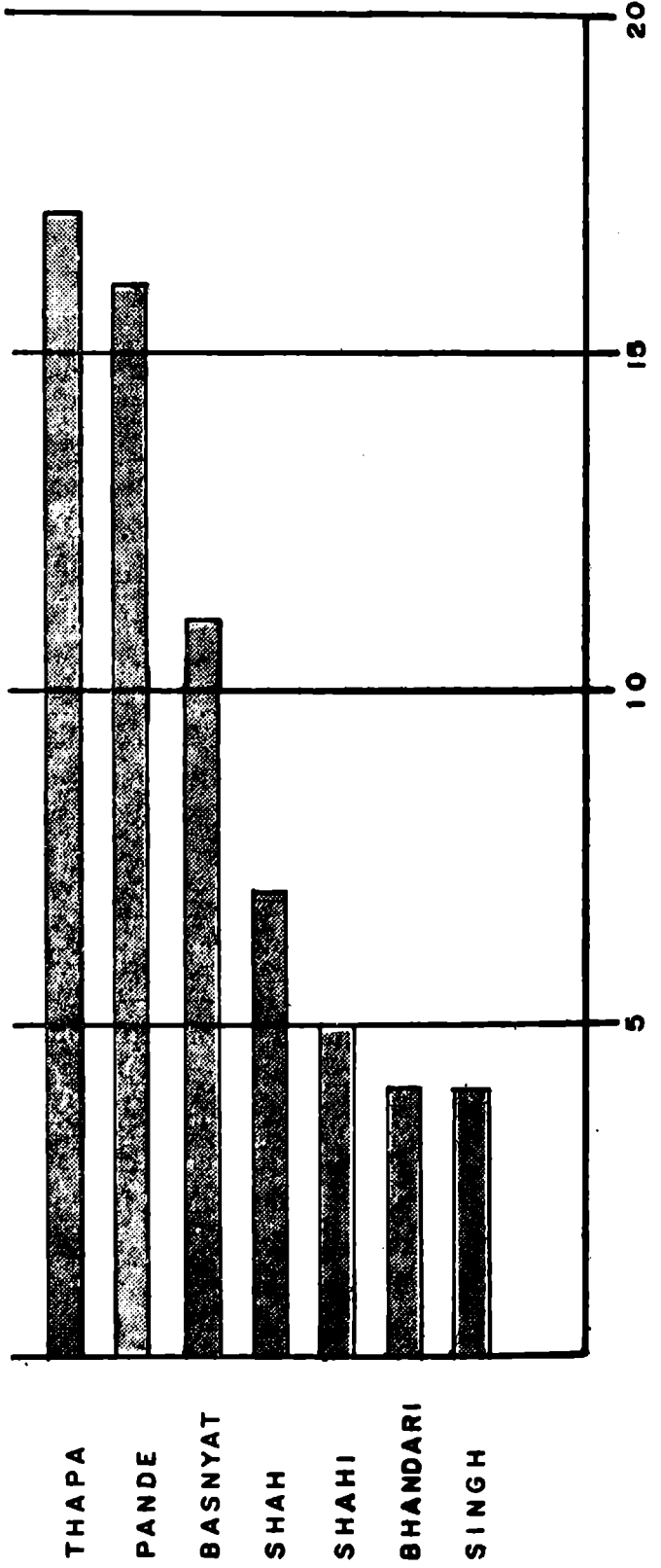
In an effort to establish this point, to learn who were being appointed to senior level government posts and who among government

14 The reasons for this are obvious. As long as regional administration had as one of its major concerns the preservation of peace and defense, there was little need for a separate structure for civil administration. In those areas where state revenue was of primary concern, as in the Tarai, the emphasis would be on the business sense of the *subba*. In other areas a military officer could handle the few civil functions of the governor.

TABLE III

PROMOTIONS 1816-37

LEADING FAMILIES (CASTES)



officers were being promoted, we have conducted a quantitative analysis of the incidence of government appointments in Nepal during the silent years. Over fifteen thousand pages of documents were studied. The resulting data are by no means complete. A survey of many more documents would certainly provide more adequate data, but the documents we were able to survey did reveal strong trends. A subsequent spot check of several thousand additional documents tended to confirm these trends. The results of this survey, therefore, seem to have sufficient validity to justify our introduction of them here. The following represent the major trends insofar as they apply to our study.

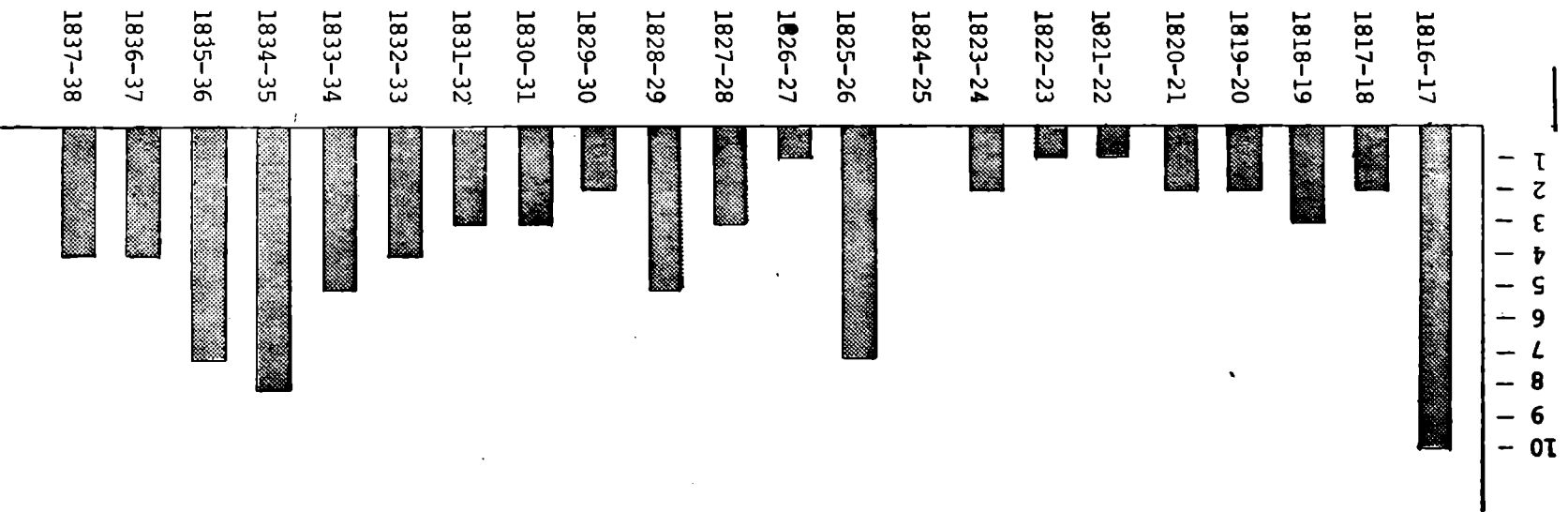
i. The 540 government appointees studied received a total of seventy-five promotions during a twenty-one year period between 1816 and 1837. This is an average promotion rate of less than one percent a year. More complete data might raise this figure to as high as two percent per year, but it is doubtful if the promotion rate would reach this level and it certainly would not go beyond it.¹⁵

ii. At the level of *kazi*, the top ranking administrative officer, it was found that the average number of *kazis* on the government rolls in any one year was eleven. In the period of the Nepal-East India Company war, there were thirteen *kazis*, but immediately after the war this number was scaled down.

iii. Among the *kazis* there was an 'inner circle' and an 'outer circle.' The inner circle comprised those who were in the decision-making level of government.¹⁶ The outer circle comprised those *kazis* who were in command of troops or who were posted as governors in the districts. There was practically no change in the inner circle of *kazis*

15 The survey revealed a promotion average of 0.3 percent. The spot check mentioned above changed this fractionally to 0.5 percent, but this is still well within the one percent average mentioned here.

16 The concept of an inner circle is clearly borne out by the survey. While the number of officers who held the rank of *sardar* or *kazi* was relatively high, the number of these men who held high posts in government was very low, and all of those men who did hold high posts remained in office practically without break throughout the whole period studied. It can reasonably be assumed that more complete data would show that they did in fact hold high posts throughout this period without break, since the checks carried out to test the accuracy of the survey tended merely to confirm the general trend already established by the survey.



YEARLY PROMOTION RATE

TABLE IV

throughout the whole period of twenty-one years. Such few changes as did occur were usually explained by death or retirement. For all practical purposes it was impossible for a government servant to break into the inner circle of government during the whole period of the silent years. No single family monopolized the inner circle of government during this period. Thapas, Kunwars (Rana), Basnyats, and Pandes all share in the prerogatives of the inner circle.

iv. At the level of *sardar*, the next lower rank in government, the pattern that emerged was one of constant change and regular turn over.¹⁷ No one of this rank had a long tenure of office during the period studied.

v. Captains were more fortunate and tended to hold their posts longer. These men, few in number, were central figures in the officer corps of the army because they exercised field command and therefore appear to have enjoyed greater permanence. In the same category were *subedars*, or commanders of military companies. There were more changes in the rank of *subedar* than in that of captain, but *subedars* enjoyed much more stability than those holding the rank of *sardar*.

vi. *Subbas*¹⁸ remained in power for longer periods and appear not to have been rotated out of office except in cases of poor performance or oppression against the farmers of their districts.

These trends are only *trends* and not definite conclusions. It would hardly be prudent for us to lay greater stress on them than the foundation will support. At the same time they are indicative of certain points that bear closer scrutiny and consideration. In particular we should take note of the following points of information. Field officers of the army (captains and *subedars*), *subbas* who served as governors of Tarai districts, and the inner circle (six of eleven *kazis*) held office for long periods. Some of these appointees, especially on the level of *kazi*, remained in office for almost the whole period of the silent years. There was practically no upward mobility. What might this mean in terms of the nature of the government of Nepal?

17 Only two *Sardars*, Bal Bhanjan Pande and Dariyab Singh Basnyat, were shown to have held office for an extended period during the twenty-one year period studied.

18 *Subba*: a civil officer usually connected with regional revenue administration or middle-level civil administration.

First, government was almost static. There were few fresh ideas coming into government. Several of the *kazis* of the inner circle had reached the rank of *kazi* even before the war and continued in office until the end of the silent years.¹⁹ Of all the men in the *bharadari* they were the least likely to be open to change or new approaches to national problems. It is not clear whether these men remained in power along with Bhim Sen Thapa because they were in implicit agreement with his general approach towards the tasks of government or because they were docile servants of Bhim Sen Thapa in the work of administration. In either case the picture is substantially the same: a group of men in control of the administration who were aging together; who were products of the same thought patterns; and who stolidly held the fortress inner circle closed to new ideas and even a fresh discussion of old approaches. And this for twenty-one years!

Secondly, the composition of the inner circle reveals no monopoly of any one family. There were three Thapas (Bhim Sen, Rana Dhoj, and Commander Colonel Rana Bir Singh Thapa) and two Kunwars (Bal Narsingh and Revant) who remained in the inner circle for years. Bal Narsingh Kunwar and Bhim Sen Thapa had very strong links, dating from the time of Rana Bahadur Shah's assassination and beyond. They were also related through marriage.²⁰ But this does not in itself constitute a Thapa family monopoly on the inner circle. Bhim Sen Thapa seems to have tried to establish the balance required for any long tenure of office by including representatives of the leading *kshatriya* families in this select group.²¹ Since the very stability of membership in the group indicates a minimum of disagreement

19 Jas Pao Thapa, Ranjore Thapa, Ajambar Singh Panth, Bahadur Bhandari, Bal Narsingh Kunwar, Revant Kunwar, and, of course, Bhim Sen Thapa, all held the rank of *kazi* before the war and continued to hold key posts throughout most of the silent years.

20 Bal Narsingh's second wife was the daughter of Nain Singh Thapa, a brother of Bhim Sen Thapa. Nain Singh was killed in the siege of Kot Kangra, and Bhim Sen himself took charge of raising Nain Singh's children. See Pudma Jung Rana, *The Life of Maharaja Sir Jung Bahadur* (Allahabad, 1909), p. 9.

21 The old noble families of Gorkha had a basic claim to high office in the Gorkhali traditions of government. As Hamilton, *Nepal*, p. 108, observed, 'The Office of Karyi [kazi] should be held by persons only of a few very distinguished families.' Bhim Sen necessarily made exceptions to this rule from time to time, since he was not by birth considered among this select group.

among the members, the relatively wide representation in the inner circle allowed him to promulgate his measures with little opposition and with a maximum diffusion of the responsibility for measures that were unpopular.²² Also, in an inner circle composed as this one was, the support offered Bhim Sen Thapa by Queen Grandmother Lalita Tripura Sundari gave his voice added weight in whatever deliberations were held.

Thirdly, the area of patronage in which we might have expected the Thapa family to be favoured was at the *subedar*, the company commander, level. Promotion to *subedar* was the first step into the more favoured *bharadari* class, and it brought sufficient emoluments to make it a prize in itself.²³ The survey, however, revealed no such steady infiltration of Bhim Sen Thapa's relatives into the military hierarchy at that level. Most of the Thapas who held *jagirs* (and there were many of them, though not all were from Bhim Sen Thapa's family), were men who had held posts before the war. The survey report reveals that few Thapas were introduced to the *bharadari* during this period, but that Thapas accounted for forty-one percent of all promotions and that such Thapas as were introduced to the *bharadari* during the silent years were introduced at senior-level posts, usually filling key posts that had been vacated by the death of a Thapa.

In terms of *jagirs* available to the *bharadari* class, then, the following conclusions seem acceptable. First, there was almost total stagnation in the key posts of government. Secondly, there was very little upward mobility (practically none) since the few promotions to key posts went to Thapas and over forty percent of all promotions discovered in the survey went to Thapas. And finally, as a result of these conditions, there was no opening for the ambitions of sons of *bharadars* that could compare with the opportunities the army had formerly offered. The pressure on the *bharadari*, consequently, was intense.

22 The custom of having the responsibility for an order shared by the *kazis* of the central administration as a group was sanctioned by Rana Bahadur. Official letters were generally signed '*marfat*' ('by the hands of'), with the signature of two, three, or even four *kazis*. Very important letters were often signed by even more of the top officials of the central administration.

23 A *subedar* received half or more of the rice crop from thirty-five acres of land (slightly more than 14 hectares), plus four hundred rupees a year in cash.

B. THE STRUGGLE FOR SECURITY

One of the areas of special concern in Nepalese society has always been the quest for security for one's family. This is one of the great social drives in Nepal today, as it has been since the unification of the country opened up avenues to preferment that were unheard of and undreamt of in the days that preceded the unification. Today, when opportunities are more diffuse, this drive is very complex. In a simpler society, when everything revolved around the possession or control of land, the drive for security found expression in a search for ways and means to secure a hold on land. The two ways of doing this were either through a *jagir* (government service) or the acquisition of a *birta* grant. In the postwar period *birta* grants were decidedly curtailed, and this road to security was closed to all but a very few of the *bharadari*. That left *jagirs*, which were subject to the annual *pajani* and were therefore extremely insecure.

Jagir grants were valid only as long as a government servant remained in office. Once he left office his right to the land and its emoluments was lost. Unless he found some way to compensate for this loss by securing the appointment of another member of his family (or gained control of land in some other way), the loss of a *jagir* either through dismissal or retirement returned the family to the status of tenants on the land.²⁴ The loss of prestige and wealth entailed in such a change of status was unthinkable. As a result, the *bharadar's* grip on his *jagir* and his search for ways to insinuate relatives into the ranks of the *bharadari* were intense. This explains the senior *bharadar's* prolonged tenure of office. It also explains the unrest generated by the preference given to the Thapa families in filling higher ranks of the *bharadari* and in promotions. When one studies the list of families represented

²⁴ This is true provided the ex-*jagirdar* did not also hold either *birta* land or *suna birta* land (literally 'gold', i.e. purchased land), on which the family could fall back. It is clear from the survey that many officers, even at the *sardar* level, were also on the roll, and it must be assumed that they tried to provide a buffer for the years when they were off the roll. This, of course, had strong implications for the maximizing of rent collections while they were in a position to do so. A *sardar* normally received half or more of the rice crop from 250 acres (101.25 hectares) of land, plus Rs. 1600.00 a year in cash.

in the roll of *bharadars* and realizes that each of them was deeply concerned about this problem of security and then refers to the practice of filling vacancies at the senior level by the appointment of relatives who had not earned that right through years of service, the sense of frustration becomes a very real, almost tangible thing.²⁵ Since new appointments were rarely available for members of his own family, each *bharadar* clung more tenaciously to the post that he had attained. There was no other solution to his search for family security. The results in terms of personal loyalty to those controlling the annual appointments and reappointments to office must be obvious.

The Struggle for Security and National Growth

We can understand and even sympathize with this frustration and the resulting determination to maintain a firm grasp on one's position. But there is no reason to allow compassion to blind us to what this did to the administration and the country.

A *jagirdar* had to have allies in the administration. More important than his performance in his own job was his possession of strong friends in the administration. To be competent in his job *might* have been enough to preserve a *jagirdar* in office, whether he had allies or not, but who would risk this when the consequences were so great? It was far safer and far more assuring to have friends who supported one. If this friendship could be cemented by marriage bonds, so much the better. And so the combination of the drive for security and the limit to the number of *jagir* assignments that were available produced a spiderweb of friendships and alliances in the *bharadari*, whose target became mutual preservation rather than good or even adequate government. The *jagir* was a prize. It was no longer considered payment for a service that had to be performed for the welfare of others, who, incidentally, actually paid the cost of the *jagir*.

Once the *jagirdars* lost sight of the real purpose of a *jagir* and the *jagir* became an end in itself, the *bharadari* set themselves against any meaningful streamlining of expenditures. At the same time, their mutual

25 The Nepali *bharadar* expected a certain amount of favouritism. It was the combination of the lack of promotions *and* favouritism that was so frustrating.

concern to preserve the *status quo* inhibited constructive thinking towards the development of the administration and improvement of the economy. The problem for them was not one of developing better government but preserving the positions they had attained. Thus, bureaucratic immobility and reluctance to change complemented the stagnation of thinking in the inner circle of government to produce an atmosphere that was about as conservative as one can imagine. In such an atmosphere, it is not at all difficult to accept the attitudes that we saw were prevalent in terms of regional administration, commerce, and law. In fact, those attitudes were merely the practical working out of the mental outlook of the members of the administration on almost all levels. A court that is primarily concerned with self preservation is blind to the real needs of the country and blind also to the reforms that alone will preserve it in power.

That this atmosphere developed in the administration in the post-war period is not all surprising. The trauma of defeat and the end of Nepalese expansion implied a real loss of direction. New goals had to be set that would fit Nepal's dramatically changed prospects. This, in itself, is no criticism of the administration. It takes time for new ideas to take hold, and the interval before they do so is always a painful one. At the same time, we would be doing no service to Nepal or to its history to refuse to recognize that this was in effect a crisis of leadership. New ideas were needed, and until they could be found, leaders (as well as the rank and file) in Nepal would cling doggedly to what they could salvage from the past rather than build towards the future.

Even though this situation was not surprising, it was not without its tensions. The longer the period of uncertainty was drawn out, the more dangerous these tensions became. In the late 1820s, the atmosphere in the Nepal administration gave ample cause for alarm. There was a desperate search for security; there was no upward mobility in the ranks of the administration; there was favouritism in promotions to the upper echelons of government; and there was a singular lack of new ideas. Not only had there been a loss of direction, but the administration had so entrenched itself that there was scant possibility of new ideas that might lead to a new consensus in government and new directions for the nation. This produced frustration, and frustration must

either be released by new visions or it will erupt in violence, since a permanent state of frustration is unacceptable to man. It is significant that even during the short period of the silent years the *chautariyas* began to emerge as a distinct pressure group and that the army, both officers and rank and file, continued to be restless under Bhim Sen Thapa's administration.

C. THE EMERGENCE OF A PRESSURE GROUP

Until now we have made no mention of the one group that our quantitative analysis revealed as having made significant gains. There was distinct expansion in the ranks of the *chautariyas* during the twenty-one year period studied. This deserves consideration.

The post of *chautariya* has never been adequately studied. Gorkha had its *chautariya* before the unification of Nepal.²⁶ The *chautariya* was a member of the royal family, but not in line for succession (a collateral). Usually the *chautariya* was the king's brother. Speculation has it that the post derived its name from a *chautara*, or resting place, set up around the base of a pipul tree. The idea apparently was that the *chautariya* stayed outside, where he listened to the problems people brought and vetted them before they were taken to the king.²⁷ What-

26 Baburam Acharya, *Sri Panch Bara Maharajadhiraj Prithvinarayan Shah ko Samkshipta Jivani* (Kathmandu, 2024-26 B. S.), 4: 643-4, discusses the *chautariya*, but says little about his real duties.

27 My explanation of the word '*chautariya*' comes from the following note of Edwin T. Atkinson, *The Himalayan Districts of the North-Western Provinces of India* (Allahabad, 1882), 2: 613-14: 'A writer in the *Calcutta Review* (January, 1877, p. 14) gives two derivations for this word. The one is from *Chautara* or *Chatuira*, a platform of masonry, by which the houses of the chiefs of the Gorkhalis were distinguished from those of their clansmen. "Hence the chief became styled amongst his people the Chautara Sahib, or master of the platform. In time the eldest son of the chief was called Sahib Ji and the younger ones Chautara Sahibs, and then the corruption Chautara or Chautariya. The other explanation is that the word is derived from *chau* (=four) and *tri* (to cross over the ocean). In the *Rajutri*, there are four things essential to the man who is entrusted with the management of state affairs; to wit, conciliation, presents, chastisement and the power of causing misunderstanding amongst the members of the enemy's party. The eldest son, who inherited the throne, was not to trouble himself with any affair of state and hence the management devolved on his younger brothers, who acted as ministers. With such duties a knowledge of politics was incumbent on

ever value can be placed on this speculation, the fact is that the *chautariya* had at one time played an important role in the administration of the country. At the time when Rana Bahadur Shah issued his copper plate inscription on the administration of the country in 1799, the *chautariya's* functions were set forth thus:

The *chautariya* is to appoint and dismiss the *kazis* Whenever any *kazi* shall transgress a treaty, arrangement, justice, or the customs of our country, he shall be reported to the king and punished in accord with the king's command. After consulting with the other officers, appoint men who are loyal, wise, clever, fearless, and with good backgrounds. Inform the king, and after receiving his answer, take them to see the king. If a *kazi* proves disloyal, if his work begins to deteriorate, first make certain of the fact, then inform the king. On orders from the king, punish him according to the nature of his offence. If the nation prospers, this also should be reported to the king. If the *kazis* and nobles thrive, this too should be reported to the king.²⁸

Without really defining the role of the *chautariya*, this clearly indicates that at one time the *chautariya* had served as the king's right hand in the execution of royal orders. In 1804 the exact nature of the *chautariya's* functions became academic, since all of this work was taken over by the *mukhtiyar*. First by Rana Bahadur Shah himself and later by Bhim Sen Thapa.²⁹ If the *chautariya's* function was to help the *king*, this could only have meaning in a situation where the king was actually ruling. From 1799 until 1832 there was not an adult king on

them, and hence they were called Chautariyas, that is those who have crossed the four oceans of the essentials named above." . . . in Kumaon the term is interpreted as meaning those who transacted the affairs of the four quarters, that is all duties.' I admit to having chosen the explanation I have given in the text above because it seemed the more picturesque of the two. I also think it has a better chance of being correct than the more elaborate meaning, especially since the form '*chautara*' is very common in Nepali literature. See also William Kirkpatrick, *An Account of the Kingdom of Nepaul* (London, 1811), pp. 198-99; Hamilton, *Nepal*, 108; and Chittaranjan Nepali, *Sri Panch Rana Bahadur Shah* (Kathmandu, 2020 B. S.), pp. 239-40.

28 Translated from Chittaranjan Nepali, *Bhim Sen Thapa*, p. 124.

29 *Ibid.*, pp. 15-16; also Chittaranjan Nepali, *Rana Bahadur Shah*, pp. 72-73.

the throne of Nepal except for a very brief period in 1815–16. Yet *chautariyas* continued to be appointed.

The expansion of the office of *chautariya* had actually begun in 1794. In that year King Rana Bahadur Shah appointed Bidur Shahi and Sher Bahadur Shahi as joint *chautariyas* for palace affairs. He also appointed Bal Bhadra Shah *chautariya* for affairs outside Kathmandu Valley and Bam Shah *chautariya* with jurisdiction over Kumaon.³⁰ The timing of these appointments may offer some hint of their significance. They coincide with his removal of Bahadur Shah, the regent, from power after the Nepal–China war of 1792. The appointment of *chautariyas* to oversee aspects of the administration reflects the young kings's desire to appoint men loyal to himself. The same argument, however, will not explain the expansion of the *chautariya* class during the silent years. King Rajendra Bikram made no appointments during his minority. The appointments came either from the queen grandmother, who was regent, or Bhim Sen Thapa. Since there was no work that required a *chautariya's* rank, it is doubtful if the initiative for the appointments originated with Bhim Sen Thapa.³¹ The matter has some significance, since the number of *chautariyas* reached eight.

It seems likely that the regent appointed these additional *chautariyas* to appease members of the royal family during a period when real government was in the hands of Bhim Sen Thapa. The presence of these men in the administration brought new complications to the administration. They had a claim on the attentions of both the young king and the regent that no one else in the administration had, and

30 Baburam Acharya, *Nepal ko Samkshipta Britant* (Kathmandu, 2022 B. S.), p. 102; but cf. his *Samkshipta Jivani*, 4: 643, where he mentions that Prithvinarayan Shah had appointed a junior (*kancha*) *chautariya*.

31 The *chautariya's* real function was as a sort of chief minister or viceroy to the king. The post had real meaning when the king's own brother filled it. When the king was a minor, his brothers, if he had brothers, must necessarily have been minors as well. Once the king's more distant relatives began to be appointed to this post, there was no intrinsic reason why they should share intimately in the king's power. When Rana Bahadur had himself made *mukhtiyar*, he effectively took over the traditional work of the *chautariya*. From that time there was no real function for a *chautariya*, and there was certainly no work for eight *chautariyas*, except in the context mentioned in the text above, as trusted administration men.

they were much more difficult for Bhim Sen Thapa to maneuver. It was undoubtedly the presence of these men in the administration that made the regent's patronage so valuable to Bhim Sen Thapa. While it is difficult to assess the *chautariya's* reactions to the presence of someone like Bhim Sen Thapa at the centre of power year after year, it must be expected that they would eventually react. They could hardly have been completely content themselves, and as a group they presented a fertile field for anyone who wanted to sow seeds of dissent in the administration. Under the circumstances that prevailed in the country at large, we might well ask why not? There was no compelling internal reason that demanded that Bhim Sen Thapa and the old guard of the inner circle should monopolize the decision-making functions of government. In fact, looked at as objectively as possible, it seems clear that unless someone broke into that inner circle with new ideas there would be no real progress in the country.

The growth in the number of *chautariya's* during the silent years is important for two reasons. First, the *chautariyas* formed a distinct group in the administration. The word 'group' is perhaps too strong. The *chautariyas* were individuals, with varying degrees of commitment to the task of government and varying relationships with the king himself. Some of them also had long-standing loyalties to Bhim Sen Thapa. Nevertheless, they were definitely a separate class in the administration. They did not fit into any of the standard patterns. They held their positions independently of the military structure of the government, and they acted according to their own concepts of duty and opportunity rather than out of the mutual support syndrome that motivated so many in the administration. None of them illustrates this quality of independence better than Bam Shah, whose career as governor in Kumaon and later in Doti was remarkable for initiative and concern for the people.³² Only a man who was sure of his position could have undertaken his task with the freedom and open mind that Bam Shah showed.

The increase in the number of *chautariyas* during the silent years was also important because it revealed that even Bhim Sen Thapa's

32 Atkinson, *Himalayan Districts*, 2: 680; also *Regmi Research Series*, 1 (December 1969): 41-43.

monolithic administration was not proof against the use of influence to gain promotion. If one had access to the right person, promotion was possible, whether one fitted into Bhim Sen Thapa's scheme of things or not. For the moment Bhim Sen Thapa had to contend only with the regent. The day was not far off, however, when the king would come of age, and, with that, the number of points where pressure could be applied would increase many times over.

D. THE RESTLESS ARMY

One of the more disconcerting aspects of the history of this period is the role of the army. So much has been written about the military, much of it with very little accuracy, that it is difficult to sift through the data to find out what was really happening.

The constant refrain from the British residency was that Nepal was a nation of soldiers.³³ This was sheer nonsense. The military accounted for a very small percentage of the population, and even if we consider only the military castes (so-called), we will find that the percentage of fighting men within those castes was still small. Nepal was then, as it is now, a nation of farmers. If the British residents formed the impression that Nepal was a nation of soldiers, it was because the military dominated the government and no major decision could be taken without considering the effect it would have on the officer corps.

It could hardly have been otherwise. Bhim Sen Thapa had turned to them for support in the years immediately after the war, and once

33 Alan Campbell, 'General Observations', Foreign Political Consultation, 23 January 1835, No. 50, speaks of 'the abhorrence of all the military tribes in Nepal to engaging in other pursuits than that of arms' and 'the passion for arms among the military tribes of Nepal.' In a private letter to Lord Auckland, published in part in Bikrama Jit Hasrat, *History of Nepal: As Told by Its Own and Contemporary Chroniclers* (Hoshiarpur, Punjab, 1970), p. 242, Hodgson says, 'The Gorkhas have neither arts nor literature, nor commerce, a rich soil to draw off their attention from arms; and they have that lusty hardihood of character and contempt for drudgery which make war especially congenial.' In Foreign Political Consultation, 26 March 1830, No. 24: a letter of Officiating Resident Hodgson to government, dated 8 March 1830, Hodgson speaks of the 'almost exclusively martial propensities of most of the tribes of these highlanders,' which he describes as 'a population of such martial habits,' as well as 'the warlike enthusiasm of the people,' etc.

that decision was made, the officer corps became entrenched in their positions. After that, only a major change in government could move them. It is interesting to note how even a shift in command could cause sufficient stir to warrant a new overture to the army. In 1824, for instance, Resident Gardner reported several changes in command. As he put it to the governor general:

Some unexpected changes have lately been made in official situations here. Kazi Bakhtawar Singh—a brother of Bhim Sen—who has been residing at Nuwakot for the last five years in consequence of a dispute that occurred between them during my absence in 1819, has been somewhat suddenly recalled, and I have been *officially* informed that it is the intention to send him to take charge of Palpa and its dependencies in the place of Uzir Singh, the nephew of the Minister, who has long held that post, but who has been summoned to Kathmandu and arrived here on the 7th—it being understood (tho' I am not satisfied on that point) that he is in disgrace for opposing himself to Bhim Sen and advocating measures unpalatable to him, and yet he and Mathabar Singh—another of his nephews, who also holds a military command and is said to be likewise under displeasure—are adopted sons of Bhim Sen, hitherto great favorites with him, as far as I can learn have, notwithstanding their alleged misconduct, been very well received here.³⁴

The resident mentions in his report that Uzir Singh and Mathabar Singh were well received when they arrived in Kathmandu. By whom? By Bhim Sen Thapa or the military? Quite possibly it was both. The military certainly had been agitated by the changes (or the reasons for the changes). In fact, it was this agitation that had prompted the resident to write to the governor general. And if the military accorded a warm welcome to these two commanders, it was imperative for Bhim Sen Thapa to follow suit, regardless of the disfavour with which he reportedly viewed them. Uzir Singh and Mathabar Singh were impor-

34 Foreign Secret Consultation, 17 December 1824, No. 8: a letter of Resident Gardner to government, dated 20 November 1824.

tant commanders who enjoyed the respect of the officer corps. Bhim Sen Thapa had to discipline them and impose his policies on the army without alienating the support he drew from the military class.

This incident is certainly connected with the revival of the administration's interest in the construction of a proper military barracks at Mala Tar (since renamed Chauni) for the Sri Nath Regiment.³⁵ From 1817, when troops from outside the Valley were posted in Kathmandu, the need of a barracks to house them had been evident. For five full years nothing was done. In 1822, however, the administration began to acquire land at Mala Tar, and about two square kilometres were requisitioned.³⁶ Since this was all *suna birta* land,³⁷ each of the former owners had to be compensated for their loss at Mala Tar by land grants in other parts of the Valley. After 1822 the issue lay dormant and remained so for two years. Possibly the reaction of the 234 *birta* owners who had had to give up their lands at Mala Tar, which was conveniently close to their homes in the city, for lands less conveniently located elsewhere in the Valley influenced this decision to discontinue the process of land acquisition.³⁸ Suddenly, in 1824—at the very time a wave of discontent was spreading through the army—this programme was reactivated, and another one and one-third square kilometres were acquired.³⁹ By the end of 1825, the new barracks was ready for the Sri Nath Regiment.⁴⁰ This is too pat to be mere coincidence. It clearly illustrates the manner in which Bhim Sen Thapa felt himself obliged to conciliate the army in order to ensure their continued support while at the same time trying to increase his hold over them.

The army was restless. Any major adjustment in the assignment of commands generated waves of unease throughout the officer corps. Nor was this restlessness limited to the officer corps alone. The 'roll' and irregularities in pay combined to contribute heavily to a sense of

35 Bhim Sen Thapa Documents: 33/1/287–34/421/96.

36 Ibid.

37 *Suna birta*: a category of *birta* grants originating from the sale of lands by the crown. Regmi, *Land Tenure*, 2: 170.

38 Bhim Sen Thapa Documents: 34/234–421/1–96.

39 Chittaranjan Nepali, *Bhim Sen Thapa*, pp. 89–91.

40 Bhim Sen Thapa Documents list 421 separate documents on the Mala Tar land acquisition programme.

unrest in the rank and file was well. The roll was a system of rotation that the administration had adopted to increase the size of the army without at the same time increasing military expenditures.⁴¹ Troops served one year in three 'on the roll' and were provided pay accordingly. The other two years of the three-year cycle they returned to their villages, where they were on 'call' but not on active, paid duty. This was a variation of an older scheme, when troops had been recruited on a *jhara* basis in times of emergency and served without pay, a system that had permitted a rapid increase in the army's striking force without the added burden of carrying these temporary recruits on the payroll.⁴² As the postwar period progressed, however, the custom of exacting *jhara* labour from tenants fell more and more into disuse because the administration was apparently unable to find a productive use for this labour supply. Accordingly, the tendency grew to commute this obligation to a cash tax on each homestead.⁴³ The development of a system of rotation in the army comprising one year of active, paid service and two years of unpaid, stand-by duty, gave the army a military potential numerically equal to what might have been expected from a general mobilization under *jhara* obligations, with the added advantage that all those on call had already received military training. Since the art of warfare in the hills had progressed a long way from the days when skill with a *khukari* was adequate preparation for battle, this was a step forward. However, conditions being what they were in village Nepal, it was not surprising that the rank and file longed for a situation that would give them the same permanent military employment that many in the officers corps enjoyed.

Discontent among the lower and middle level officers stemmed

41 The 'roll' was described for the governor general by both Hodgson and Campbell, but it was such a familiar concept to Nepalis that it hardly needs elucidation. See Alan Campbell, 'General Observations'.

42 Bhim Sen Thapa Documents: 9/264-72/40-58. Orders summoning *jhara* fighters in the Nepal-East India Company war, 1815. 9/277-46 was a call for villagers to harass the Company's troops. This policy dated from Prithvinarayan Shah's time. See Samsodhan Mandal, *Sri Panch Prithvinarayan Shah ko Upadesh* (Kathmandu, 2025 B. S.), 4: 986-88: a letter of Prithvinarayan Shah to Ram Krishna Kunwar, dated 5 Magh 1819 B. S. (*Purnima* calculation), January 1763.

43 Mahesh C. Regmi, *A Study in Nepali Economic History* (New Delhi, 1971), pp. 187-88.

from the restriction of promotions to a mere handful of men and the insecurity that dogged them. Dismissals were not common. But under the *pajani* system that called for the automatic dismissal and reappointment of all personnel each year, the blow of final dismissal was always a distinct possibility.

But the most damaging unrest appeared in the upper levels of command. Nepal was a country where wide consultation had normally preceded action. This practice was largely in abeyance during the silent years, and the higher ranks of the military felt it. The residents repeatedly reported that Bhim Sen Thapa alone exercised power. This was a patent exaggeration. Other *kazis* of the inner circle carried out their functions in the administration in a fashion not unlike ministers in today's administration.⁴⁴ But apart from the members of the inner circle and those *chautariyas* who were actively involved in the central administration, the officer corps enjoyed no share in the decision-making process. Since the inner circle comprised a group of men who acted with considerable unanimity of purpose, it is not surprising that the resident should report in 1824:

I hear rather unpleasant expressions of dissensions among the chiefs here have of late appeared. . . . The fact, I imagine, is that a party has for a length of time witnessed with dissatisfaction and bad nature the assumption by the Minister Bhim Sen of the sole power to the exclusion of most of the Sardars from any participation in public affairs and the seclusion of the young Raja, who seldom or never appears in public, and that this feeling is showing itself in the form of an opposition to the measures of the Minister even by some subordinates of his own family. . .⁴⁵

Residency reports have varying degrees of accuracy. Usually the facts reported are quite accurate. Bias and inaccuracy creep into

44 A large number of documents exist in which routine matters were treated, and these were frequently signed by a single *kazi*. It might well be possible to determine the various 'portfolios', if enough of these documents were studied. It would, however, be a massive task, involving thousands of documents.

45 Foreign Secret Consultation, 16 December 1824, No. 8: a letter of Resident Gardner to government, dated 20 November 1824.

their interpretation of the facts. Here we are probably quite justified in assuming that Gardner had observed the fact of dissension. His explanation of it was surely derived from comments he heard at official functions and reports that his staff (especially his *munshi*) picked up from Nepali *bharadars*.

Perhaps military discontent was rooted more deeply than we have suggested up to this point. Generally speaking, the most common cause of dissatisfaction in any army is irregularity in pay. It could well be that this was the case with the Nepal army during the silent years. This certainly deserves consideration.

The *jagir* system, as Prithvinarayan Shah had applied it to the Nepal army, had been ideally suited to motivating the army. It worked magnificently. But the *jagir* system was in itself a solution to a contemporary administrative problem. It was not really suited to the financial requirements of a government that ruled over such an extended territory as Nepal possessed after the unification. The real reasons for adopting the *jagir* system had been three:

1. Rents were normally paid in kind, and this constituted problems of collection and of storage.
2. Salaries of government officers had to be paid in kind, because this was the form in which most government revenues were collected. This constituted a problem of distribution.
3. The administration solved all three problems for itself, though not for the *jagirdar*, by a paper transaction that transferred to the *jagirdar* the right to collect the government's share of the crop from certain specified fields. The *jagirdar* was then obliged to collect, transport, and store his own pay.⁴⁶

Such a system as this has meaning when distances are short and the fields assigned are near-by. As originally applied to the army, the income from the fields of a given locality was used to pay the maintenance costs of the army units in that locality. But in time it proved impossible to restrict the movement of army units to a single area in this way. The army had to be more mobile, and when the army began to move out of fixed localities, problems arose. How did the troops collect their

46 Summarized from Regmi, *Land Tenure*, 3: 5-6.

pay? In time the *jagir* system was modified. Only top officers were given individual *jagirs*, and the rest of the men received payment from company and regimental *jagirs*. When the company was posted at a distance from their *jagir*, members of the company had to be sent back to that locality to collect the company's due. This was inconvenient but workable. With the introduction of the *kut* system, however, the whole process became more difficult. Under the *adhiya* system, they had taken half of what the harvest yielded and that was the end of it, whether that half was more or less than in previous years. Under the *kut* system the farmer was expected to pay the amount fixed by contract before he took his own share of the crop. However, farmers repeatedly professed inability to pay this amount. The excuses were many and most frequently valid: the year was bad; there had been landslides on his fields; erosion had taken away his best field. In theory the farmer had to pay, regardless of the excuses he might offer for asking a remission. But what happened if he refused to pay or if the crop had already been cut and stored when the collectors arrived? What did the representatives of a military company say or do when they came to collect and the farmer said there was simply not enough rice to pay them? Or, if the payment had been commuted to a cash payment, what did they do when the farmer could not produce the cash? No punishment that could be meted out to such farmers could possibly produce the rice or the cash if, in fact, the farmer did not have them. In any case, the company was not concerned with punishment. They wanted their pay. And there were times when they did not get it. At least half of the government's correspondence dealing with land questions had to do with the problem of assigning *jagirs* to the army and securing for them their pay. The very volume of the correspondence indicates that the system was faulty. *Jagirdars* had to fall back on the same type of practice that the administration had adopted to assure itself of a guaranteed income. The administration had let out tax collection contracts in exchange for advance payment. The *jagirdars* sold their rights to the crop to middlemen, at a loss, in order to guarantee that they would have a fixed income.⁴⁷ This was unsatisfactory both to the *jagirdars* and to the villag-

47 Ibid., pp. 39-40.

ers. The middlemen had the time and the patience to watch over their investment more carefully than any *jagirdar* could do, and they would get their return one way or another from their investment. Nor were such middlemen innocent of the practice of manipulating rents between cash and kind as well as collecting rents at the time of year most favourable to themselves to ensure the best return on that investment.⁴⁸ So notorious had these practices become, in fact, that Jung Bahadur in later years introduced the *tirja* system, whereby all the conditions of collection were specified in writing for the villager, to try to ameliorate some of the ill-effects of employing middlemen as collectors.⁴⁹ None of this later concern, however, relieved the pressure on the farmers during the time of the Bhim Sen Thapa administration. Nor did any of this increased pressure on the farmer profit the military, who were frequently forced to accept less than their due in order to be sure of obtaining anything at all.

Under the *jagir* system, as it developed historically, the military were not getting the pay that they were entitled to receive. This certainly affected the officers, but it was especially serious for the troops, whose pay was far more modest. Nothing convinces troops of bad faith on the part of their commanders and government as failure to assure them of their pay. It has been a perennial problem throughout the history of the world wherever the question of a standing army arises. Troops must be paid, and they must be paid on time. Otherwise there is unrest. Nepal was no exception, and assuring the army of their pay became one of the major headaches of the administration which only constant adjustments in the system could ease.

E. CONCLUSIONS

Bhim Sen Thapa's administration had to face some very complex problems during the silent years. The economy, for example, had to expand to meet the increased costs of centralized administration, if the villager's standard of living was to be restored to the pre-unification level. However, the economy was not expanding, and the burden for

48 Ibid.

49 Ibid., pp. 36-37.

increased administrative costs fell on the farmers, who were the nation's primary producers of wealth. As a result, villages were impoverished, and the farmers did not have the margin of resources necessary to build a stronger economy. The villager, however, was not the only one under pressure. The leading families in Nepal also had their share of problems. During the unification years, these families had grown used to a higher standard of living and had even learned to expect it as their right. In the silent years, these families continued to grow in size, but their opportunities did not, and there were no new *jagirs* available for their sons. There are also indications that existing *jagirs* were inadequate to support the standard of living they had grown used to having. The records are not entirely clear on this point, but it seems that some upper echelon officers managed to hold two or even three separate posts (and were paid accordingly two or three *jagirs*). During the mid 1830s, in fact, King Rajendra Bikram ordered a series of investigations into government salaries. Substantial savings were reported, with no record that individual *jagir* assignments were reduced.

These were not isolated problems. The plight of the villager and that of the *bharadar* were interlocked. One obvious solution to the village's economic problem was to reduce the number of *jagir* holders. Even a few years' respite would have made an enormous difference in village Nepal, much as tax holidays have done in more recent times. But to do this, Bhim Sen Thapa would have had to reduce at least some of the *bharadars* to the tenant class. This he could not easily do. He was not so secure in his position that he could survive without support. Brahmins were hostile to him, and the *chautariyas* were independent of him. The *birta* owners would obey him, but they would hardly fight for him. It was the *jagirdar* class that he required for support. Since there was practically no civil service, the *jagirdar* class was essentially the army officer corps. Bhim Sen Thapa needed the military establishment far more than Nepal did, and this had two consequences that continued to impoverish the nation. The farmers of village Nepal had to continue to finance a large army with its officer corps, who had no function commensurate with the cost of their maintenance. Secondly, Bhim Sen Thapa's preoccupation with the army prevented him from throwing his energies into the development of a civil service that would have served the needs of village Nepal. There could never be great flexi-

bility in an agricultural economy. However, the central administration would certainly have developed greater sensitivity to the problems of village Nepal, if some of the energy spent on the military had been re-directed towards the civil service.

Some historians have suggested that the impoverishment of village Nepal at this time had nothing at all to do with the Bhim Sen Thapa administration. They insist that this was the cost of vigilance against the ambitions of the East India Company, and that this alone guaranteed the continued independence of Nepal. If this was indeed the price of Nepal's independence, our forefathers paid it dearly. But whether this was in fact the necessary price of independence is a question that must yet be explored. This we shall attempt in the following chapter.

APPENDIX A

*Pay Scale for Dal Mardan Company*⁵⁰

Rank	Number	Fields	Total Fields	Khuwa
Subedar	1	11	11	Rs 400/-
Jamedar	4	6	24	220/-
Major	1	4	4	25/-
Adjutant	1	4	4	25/-
Kotya	1	4	4	25/-
Agadi Nisan	1	2/80	2/80	
Pachadi Nisan	1	2/60	2/60	
Havaldar	8	2/80	22/40	
Amaldar	8	2/60	20/80	
Sipahi	85	2	170	
Tabalya	1	2	2	
Tasa	2	1/80	3/60	
Marpha	2	1/60	3/20	
Bheri	2	1/80	3/60	
Basuri	2	1/40	2/80	
Pipa (khalasi ko Jamedar)	2	2	4	
Pipa	16	1/60	25/60	
Khalasi	20	1/60	32/-	
Lohar	2	2	4	
Khalatya Lohar	1	1/40	1/40	
Sikarmi	1	1/60	1/60	
Sarki	2	1/80	3/60	

50 Bhim Sen Thapa Documents: 2/420/8, dated 1866 B.S., Ashad (June 1809).

CHAPTER EIGHT

BHIM SEN THAPA AND THE RESIDENCY

The ruler of Nepal (Bhim Sen) resists the pressure of the times to the utmost, cherishing and keeping warm a love for arms and conquest which can but visit itself on us, their only accessible neighbour, or find exercise in civil dissensions. . . .¹

The story of Bhim Sen Thapa's foreign policy is simply told. After the experience of one war with Nepal, the governors general realized that Nepal's mountains and spirited fighting men would always make invading Nepal a logistic nightmare. However, since Nepal threatened neither the Company nor the Company's designs in India, war was a very remote possibility. The governors general deplored the dark suspicions Kathmandu harboured of the Company and its motives, but they realized that dispelling these would take time. To encourage this process, they evolved a policy of yielding to Nepal on minor points, provided Kathmandu conducted the necessary negotiations and faithfully observed agreements. This wisdom had not come to them easily in the heydays of the Company's rise to power, but they had acquired it.

Bhim Sen Thapa had proved an equally apt student of the realities of Nepal-East India Company relations. The results of the war of 1814-16 had taught him that war was no solution. The British had the strength to finish the job. In the balance, war was non-productive. His relations with the various governors general were excellent. He understood them. He also knew they understood him well enough to realize that a little sabre-rattling in Kathmandu from time to time was important to the morale of the Nepal army, but that this was meant for domestic consumption and not for export.

1. Alan Campbell, 'General Observations', Foreign Political Consultation, 23 January 1835, No. 50. Quite surprisingly, Bikram Jit Hasrat, *History of Nepal: As Told by its Own and Contemporary Chroniclers* (Hoshiarpur, Punjab, 1971), p. 229, has edited this section of the 'Observations' quite heavily.

A. NEW PERSPECTIVES

If ever one were inclined to doubt Bhim Sen Thapa's intellectual acumen, the story of the *mukhtiyar's* relations with each governor general should reassure him. The mutual understanding that characterized these relations was not accidental. It grew out of a basic insight into the workings of the western mind that changed Bhim Sen's whole attitude towards the governor general. In 1813-14, his grasp of British intentions was no better than that of the Indian princes who opposed the Company. Sometime in the late summer or early autumn of 1816, Bhim Sen Thapa suddenly realized what the governor general really wanted to achieve. Out of that insight came understanding, and from this understanding came a peace that Sagauli alone could never have given.

The story begins in 1816. For six months, from July to December, Bhim Sen Thapa and the governor general negotiated the return of the Nepal Tarai. Among historians, only Ramakant has treated these negotiations in detail. His summary is factually accurate. However, using the British version of the origins of the Nepal-East India Company war led him to interpose this statement:

...the regular compliance with their requests on the part of the British government convinced [the Nepalis] that by holding on with importunating more and more concessions could be secured.²

This single statement so biased his account, that the texts cited scarcely reveal the real thrust of the negotiations. The record, however, is clear, and the negotiations speak for themselves. A summary of these negotiations is provided here. The Nepali and British positions are paraphrased, of course, but each statement sums up a key text found in the actual correspondence between the resident and the governor general during the period of negotiation. The single exception is the governor general's opening statement. This has been *reconstructed* from comments the governor general himself made at different times in

2 Ramakant, *Indo-Nepalese Relations* (Delhi, 1968), p. 49.

the course of the correspondence.³

Governor general (to council):

Our commitment to pay Nepal two lakhs of rupees a year indemnity for the Tarai land taken from them was a mistake. We can rectify this. When Gardner presents his credentials as resident, he can offer to restore part of the Tarai as a gift, which will nullify our commitment to pay the two lakhs of rupees. This will protect our position and please the Nepalis, who place a high value on land and are reluctant to accept the pensions.

Resident (to Nepal, 14 July 1816):

The governor general plans to restore some of the Tarai as a gift. Of course, once he does this, he will not pay the two lakhs a year in compensation.

Nepal (to resident, 25 July):

How much land is he going to restore?

Resident (to Nepal, 25 July):

Actual conditions in the Tarai might dictate some modifications. However, the governor general intends something like this (shows sketch map). See, the old border used to come north in a number of places. A new border would be established about four miles south of these northern points on the old border.

Nepal (to resident, 28 July):

According to our knowledge, the new border you propose would fall within the forest and return little cultivated land.

Resident (to Nepal, 28 July):

This transaction is motivated solely by the British government's desire to improve friendly relations between the two governments. The actual line cannot be settled without surveys, but wherever it is placed, it must prevent future disputes and be clearly defined.

³ This summary is based on the following consultations: Foreign Secret Consultations of 1816: 4 May, No. 70; 23 July, No. 14; 10 August, No. 17; 24 August, Nos. 7-12; 14 September, Nos. 40, 41, 44, and 52; 28 September, No. 68; also Foreign Political Consultation, 2 November 1816, Nos. 29, 33, and 35.

Nepal (to resident, 3 August):

Your proposal restores very little land and retains the most valuable. Certainly the land restored according to this would never yield revenues of two lakhs a year. Could we put the border farther south? Suppose we draw a line four miles north of these southern points of the old border on your map?

Governor general (to resident, 24 August):

Do not stress the location of the border. We can put it much farther south, provided our basic objectives are safeguarded:

1. We must retain all land that the Nepalis had taken from our subjects;
2. We must keep a buffer between the Nepal border and the twenty-two villages formerly in dispute.

Nepal (to resident, 28 August):

If the border is not placed farther south than anything you have indicated so far, the *bharadars* affected by the exchange will not permit Bhim Sen Thapa to surrender claim to the two lakhs.

Governor general (to resident, 14 September):

This is a matter of regret. If Nepal insists on this, we must at least estimate the value of the land to be restored and deduct this from the two lakhs. Remind them that we have added the valuable land of Butwal and Sheoraj to the gift and also that whatever pensions are paid will be paid only for the lifetime of the pensioners.

Resident (to governor general, Consultation 2 November):

Bhim Sen Thapa has agreed in principle to a new border one mile north of the old border. He wonders, however, why this buffer zone is needed at all, if the border is clearly demarcated and recognized.

Governor general (to resident, Consultation 2 November):

I will accept Bhim Sen Thapa's position, provided that the old border is adjusted to allow for easier demarcation.

This is what the record says. What does it reveal? The positions the two sides adopted at the opening of discussions are very clear. The governor general intended to do away with a troublesome clause

in the treaty by returning a part of the Tarai. Labeling the returned land a 'gift' was apparently a red herring meant to distract Bhim Sen Thapa from the fact that this action was not strictly in accord with the Treaty of Sagauli. Bhim Sen Thapa was not distracted. He expected a *quid pro quo*. The two lakhs of rupees were compensation for *all* the land taken by the treaty. If the governor general did not wish to pay the money, he should restore *all* the land. A more stubborn man than Bhim Sen would have insisted on this one point, and the negotiations would have been stalled. Gardner, for instance, did insist to the end that the returned land was a gift not subject to negotiations. Bhim Sen Thapa proved to be more flexible. He first explored the governor general's position to learn whether the line suggested for the new border was purely arbitrary or represented a fixed position from which the governor general would not retreat. Satisfied that it was arbitrary, Bhim Sen then pressed to discover why the governor general insisted on retaining a part of the Tarai. Why did the governor general want to interpose a strip of land between the border and the twenty-two villages? Apparently it was not the land that interested the governor general, because he was liberally restoring land in the same general area. Nor was it the villages, since the governor general was in complete control of them. Therefore, he must want to secure something that lay between the villages and Nepal. It was then, perhaps for the first time, that Bhim Sen Thapa understood what the governor general meant by 'boundary'.

The concept 'boundary' is one we take for granted today. It could not be taken for granted in Bhim Sen Thapa's time. The concept of boundaries was a western import into Asia that was difficult for the people of Asia to grasp.⁴ For the Nepali, no less than for others in

4 The concept of 'defined borders' was a comparatively late development even in Europe, where it emerged in the sixteenth, seventeenth, and eighteenth centuries as a corollary of the growth of nation states. Cf. *The New Encyclopaedia Britannica* (Chicago, 1974), 15th edition, Macropaedia, 17:610. Curzon expressed himself on this point very strongly: 'The idea of a demarcated frontier is in itself an essentially modern conception, and finds little or no place in the ancient world . . . It would be true to say that demarcation has never taken place in Asiatic countries except under European pressure and the intervention of European agents.' Lord Curzon, *Frontiers*, Romanes Lecture of 1907 (London, 1908), p. 49, cited in Neville Maxwell, *India's China War* (London, 1970), p. 5.

Asia, jurisdiction had nothing to do with boundary lines. He was concerned with the control of villages, which waxed or waned according to the military strength and vigour of the ruling dynasty. Borders, for the Nepali, were rivers, ridges, mountain ranges, the extent of one's military control. Boundary lines were alien to his thinking. Boundary lines followed from the history of western diplomacy and drew their meaning from maps and lines drawn on maps. It was as difficult at that time for anyone from Asia to grasp the concept of boundaries as it is today for us to imagine a world without boundaries. But Bhim Sen Thapa saw it.

This insight led Bhim Sen Thapa to realize that he and the governor general had been talking about two different things. In all of his discussions and disputes with the governor general over the 'boundary' question, Bhim Sen had actually been thinking about 'tax jurisdiction' over villages, not a recognised line separating Nepal from India. He now realized that 'boundary' in this latter sense was something almost sacred to the governor general. Certainly it was as important as the land and the villages inside it. The governor general would defend it; therefore Nepal must respect it. Bhim Sen further realized that if Nepal showed clearly that it understood and respected this 'sacred line', the governor general would probably be willing to establish the boundary in a place that met Nepal's needs as well as the Company's own.

This was the insight that became the basis of Bhim Sen Thapa's relations with the governor general. Bhim Sen assured the governor general he would have a boundary that would be respected. On 8 December 1816, the day when the infant king (Rajendra Bikram Shah) was placed on the throne of Nepal, Bhim Sen formally accepted the return of the Tarai under the terms of the memorandum of restoration.⁵ He was unhappy with the memorandum. In effect, it revoked a part of the Treaty of Sagauli, and he felt that a new treaty should be drawn up. The return of the Tarai was not really a gift and had never been intended as such. Calling it a gift was misleading, and therefore open to misconstruction. He rightly foresaw that where there is the possibility of misconstruing a document, someone will eventually do so. His objec-

⁵ Foreign Political Consultation, 28 December 1816, No. 50.

tions were brushed aside by the resident, who told the governor general that Bhim Sen really wanted to blot out the ignominy of the Treaty of Sagauli.⁶ But Bhim Sen Thapa was right, and Hodgson would one day prove it by insisting that since the restoration of the Tarai had been a gift, it could be freely and in good conscience withdrawn.⁷

Aside from this difficulty, Bhim Sen Thapa's commitment to the governor general's concept of a boundary was total. Once territory was exchanged to secure a boundary alignment that satisfied the governor general and the boundary was actually drawn, Bhim Sen respected that boundary and insisted that Nepal respect it, even though he repeatedly exhorted the military establishment in Kathmandu to lasting vigilance. The British response was a cautious testing of Bhim Sen's attitude. Special superintendents were established to monitor the frontier and notify the resident immediately, should the Nepalis intrude into Indian territory. In April 1827, these superintendents were withdrawn.⁸ They had proved to be unnecessary. There had been some complaint of incursions in 1824-5, but Bhim Sen Thapa had quickly clamped down on the offenders. For the rest, the border was quiet. Regular machinery was set up to hear complaints and settle them. The resident took each opportunity to stress the importance of the border, and his efforts were well received.⁹ The decision reached through the negotiations had been sound for both sides, and it was well worth the vigilance required to maintain it.

In later years, Bhim Sen Thapa's understanding of the British

6 Abstracts from Hodgson's Recorded and Unrecorded Notes (1834), published in Hasrat, *History of Nepal*, p. 238.

7 *Ibid.*, p. 239; 'Of our just title at once to retaliate on Nepal by full or double duties on her trade, and by the resumption of the Tarai, there can be as little doubt as of the efficiency of such measures in half disarming her hostility towards us.'

8 Campbell, 'Principal Transactions', Foreign Political Consultation, 23 January 1835, No. 50.

9 A subject of the Company who had a complaint of border incursions against Nepal registered this with his magistrate, who forwarded the complaint, after investigation, to the resident in Kathmandu. The resident then made an official protest to the Kathmandu durbar. Nepali complaints were channelled through the Nepal administration to the durbar, whence they were handed over to the resident for action.

passion for boundaries was put to a further test. There were two additional parts of the border that required negotiated settlements. Captain Latter, who had commanded the Company's forces in eastern Nepal during the war, pointed out in 1817 that the eastern boundary of Nepal, designated in the treaty as the Mechi River, was ambiguous. The Mechi forks on entering the plains, and each fork was known locally as the 'Mechi River'. Captain Latter urged that this ambiguity be cleared up at once.¹⁰ It was not clarified in 1817, however, because the resident was reluctant to add what he considered a note of niggling to the negotiations then being carried to completion with such success.¹¹ Only in 1833 would this problem receive serious attention.

Prior to the settlement of the Mechi River problem, a series of irregularities along the Nepal–Avadh (Oudh) border required adjustment. In 1816, the British had given to the Nawab Vazir of Avadh those parts of the western Tarai that lay adjacent to his territories.¹² The border was established along the line of the foothills, and no subsequent negotiations had adjusted this to simplify supervision. The foothills along the western stretches of the Churia range are not as ideally suited to serve as a boundary as they are farther to the east. In the west, spurs extend far into the plains south of the low ridges of the Churia range. The gradient along these spurs is at times so gradual that one was forced to question just where the plains ended and the foothills began. One's answer to that question determined ultimate ownership of thousands of hectares of land. Boundary markers had been set up in only six places when the boundary was first demarcated. Over the years some of these had fallen into disrepair and at least one had disappeared entirely.¹³ Brian Hodgson thought that the border should be inspected, and Captain Codrington was deputed to conduct this inspection in the winter of 1829–30.¹⁴ He found the condition of the border markers as unsatisfactory as had been suspected. He also found that some misunderstanding had arisen at several points where rivers

10 Foreign Political Consultation, 7 April 1817, Nos. 69 and 73.

11 Foreign Political Consultation, 26 April 1817, No. 22.

12 These lands were handed over to Avadh in March 1817.

13 Foreign Political Consultation, 28 May 1830, Nos. 19–32.

14 Foreign Political Consultation, 28 May 1830, No. 21: Capt. Codrington to Resident Hodgson, forwarding a copy of his report on the boundary, paragraph 3.

broke through the Churia range to enter the plains. The valleys of these rivers created a special problem. They were fairly wide, and the valley floor offered good farm land. The problem lay in determining at what point the boundary line should be drawn across the valley floor. Should the boundary line continue from the foothills to the west of the river directly across to the foothills east of the river? Or should it curve up-river to the north and continue along the edge of the valley floor to a higher altitude before crossing.¹⁵ There was confusion on this point on the Mahowlee, the Murela, and the Bhussum rivers. The Arrah River presented still a third, and a more complicated problem. The Arrah River itself formed a part of the boundary. The course of the Arrah, however, had been changed by the villagers of Avadh, who found that by diverting the Arrah they could more easily irrigate their fields. The Nepalis claimed that the river was the boundary. If the people of Avadh had diverted the river, they must accept this new course as the boundary. Codrington's ruling in this case obliged the people of Avadh to restore the river to its original course within a reasonable time, or else the Nepali claim would be honoured. Along the rest of the border the boundary markers were restored with greater care to protect them from the weather, and the other disputes along the border were settled through amicable negotiations on the spot. Codrington's reports indicate that the Nepali officers were obviously under orders to cooperate and entered into the negotiations with good will, a further indication of Bhim Sen Thapa's determination to give the governor general no reason to complain about Nepal's attitude towards the border.

The ambiguity that Captain Latter had adverted to along the eastern border, where the Mechi River formed the boundary, reached the level of a dispute in 1833.¹⁶ The river, as it reaches the plains, splits into two branches, leaving a triangular piece of land in the centre. Both Nepal and Sikkim laid claim to this territory. Major Lloyd, who was sent to survey the area and settle the question, decided that the western branch was properly the Mechi River, and awarded the disputed land to Sikkim. However, as the major proceeded northwards along the

15 *Ibid.*, paragraphs 10–15.

16 Campbell, 'Principal Transactions'; see also Ramakant, *Indo-Nepalese Relations*. pp. 138–39. Ramakant gives the spelling of the major's name as 'Loyad'.

Mechi to continue his survey, he found another area of potential conflict.¹⁷ Two small streams joined to form the Mechi proper. In between the two streams there was a ridge (Antou Danda) whose ownership depended on which stream was called the Mechi and which was considered a tributary. The Sikkimese insisted that the western stream was the Mechi, and the ridge was therefore a part of Sikkim. The Nepalis, naturally, held the opposite view. Surveys were conducted in the winter of 1834–35 and again in the winter of 1836–37. A third survey was ordered in October 1837, but this team took the field only in the winter of 1838–39. Nepalese agents and Dr. Campbell, the assistant resident, accompanied Major Lloyd. After studying the situation on the spot and reviewing the arguments put forward by Sikkim and Nepal, Dr. Campbell awarded the ridge to Nepal on the grounds that their claim had the strongest supporting arguments.

All of these border questions were settled without great difficulty, and this illustrated admirably the fact that both the governor general and Bhim Sen Thapa were able to accept the situation in Nepal-Company relations and work with it, even though there were areas in which neither was perfectly content. Bhim Sen Thapa would have been delighted to have the resident withdrawn from Nepal. The governor general would have been pleased to have a little more cordiality in the relationship. But neither of them allowed this to interfere with their realization that they had to accept the situation as it was and live with it.

It is true that in 1825 a complaint of border incursions had been lodged against Nepal.¹⁸ Typically, Resident Gardner reported as his opinion that Bhim Sen Thapa had deliberately allowed these incursions, to profit from the first Anglo-Burma war (1824–26). At the time, Calcutta was sympathetic to this opinion, but Gardner was wrong nonetheless. Ramakant has pointed out that at this very time Bhim Sen Thapa offered military support to the governor general's Burma campaign. He argues that Bhim Sen would hardly have permitted incur-

17 Foreign Political Consultation, 14 March 1836, No. 47.

18 Ramakant, *Indo-Nepalese Relations*, p. 95. However, Campbell 'Principal Transactions', does not mention this reaction of the resident. Given the option of accepting Ramakant or Campbell, Ramakant's honesty with his sources would induce me to accept him, unless the preponderance of evidence was on Campbell's side.

sions at the very time he was trying to ingratiate himself with the governor general. These incursions, he concludes, resulted from a certain laxness on the part of local Nepali administrators that was noticed at the time.¹⁹ If anything, Ramakant has understated the case for Bhim Sen Thapa. We have already mentioned the unrest among the Nepalese military at precisely this period. The occasion was the transfer in command of several senior officers, among whom was Uzir Singh Thapa, the governor of Palpa. The area where the incursions occurred, it should be noted, came under the jurisdiction of Palpa. There is a clear connection between the border incursions, Uzir Singh's disagreement with Bhim Sen on policy, the unrest among the military, and Bhim Sen's offer of military support to the governor general. The more restless army officers wanted to capitalize on the British involvement in Burma. Uzir Singh sided with them. This was serious. Uzir Singh was a man of importance and known for his boldness in opposing the *mukhtiyar* when it suited his purposes.²⁰ In allowing the border incursions, Uzir Singh went too far. He was removed, adding further to the military's discontent. The offer of military assistance to the governor general during the Burma war was an effort to siphon off some of the army's militant spirit while retaining a firm hand on the situation. If anything, this whole series of events illustrates Bhim Sen Thapa's determination to maintain a very proper attitude towards the Nepal-Company border and his efforts to control his officer corps to achieve this.²¹ Thus, when the resident presented an official protest against the incursions, Bhim Sen Thapa accepted it and took immediate action.

19 Ramakant, *Indo-Nepalese Relations*, p. 95. Nepal's offer of military aid was made on 7 April 1824. See Foreign Secret Consultation, 30 August 1824, No. 25: a letter of Resident Gardner to government, dated 8 April 1824.

20 Col. Dumber Shumsher Thapa, *Reminiscences* (unpublished ms), p. 8, says that: 'A Durbar was held to discuss the expediency or otherwise of signing the Treaty of Sagauli, and when Bhim Sen Thapa declared for peace, Colonel Uzir Singh Thapa, a young man . . . , flushed with his recent victory over General Wood in addition to his other success against the British while he himself was yet in his teens, is said to have snappily twitted his uncle and electrified the assembly with the remarks: "You should be ashamed of yourself to propose this action. You had better go into a lady's gown." The obvious implication was that Bhim Sen should retire and leave the administration in more capable hands.'

21 The reaction of the officer corps to the transfer necessitated at this time has been discussed in chapter seven above.

Bhim Sen Thapa's insight into the governor general's attitude towards the border led not only to a richer return of Tarai land than could have been anticipated but also to a satisfyingly peaceful relationship with the governor general. Bhim Sen also deserves credit for realizing that the restoration of the Tarai as a gift without a treaty specifying the finality of that gift was dangerous. Perhaps most important of all, Bhim Sen Thapa realized that the best way to insure Nepal's continued freedom from interference was to grant the governor general's basic desire, a secure and trouble-free border. This understanding was a great contribution to improved Nepal-East India Company relations and explains his consistently good rapport with the governors general.

B. THE RESIDENCY

The real problem in Bhim Sen Thapa's foreign contacts was much nearer home than the governor general. His problem was the resident. William Wilson Hunter, in his life of Brian Hodgson, credits Bhim Sen Thapa as the first Nepalese statesman to recognize the meaning of the system of protectorates which Lord Wellesly had developed in India.²² In saying this, Hunter spoke more profoundly than he knew. Bhim Sen not only saw where the system of protectorates was actually leading, he also saw that the resident was the root of the whole sorry process that led to subservience and incorporation into the British *raj*. The resident was the governor general's man on the spot. In theory his role was defined as the representative of the governor general. In practice there was no real definition of, nor any fixed limit to, his capacity for intervention in local affairs. An ambitious and intelligent resident could find dozens of ways of insinuating his influence into the affairs of the court to which he was accredited. Local authorities had no way of knowing where the governor general's instructions ended and the resident's ambitions began, so the possibilities for mischief multiplied. A struggle ensued to define the practical limits of the resident's area of competence. Without rules to guide it, this struggle must be renewed with each resident assigned to Kathmandu, until both the residency and the durbar accepted certain areas of exclusion as

22 William Wilson Hunter, *Life of Brian Houghton Hodgson* (London, 1896), p. 99.

well as definite areas of mutual concern in durbar-residency relations. The exact place where that fine line of distinction would be drawn must vary with the personality of each resident who was assigned to Nepal. But it had to be drawn. In the interests of independence, Bhim Sen Thapa consistently tried to enlarge the areas of exclusion. Residents like Hodgson would strive mightily to enlarge the areas of mutual concern and thereby increase the areas of possible intervention.

This is the struggle that has so frequently complicated the straightforward story of Nepal's relations with the East India Company. It is unfortunate for us that Bhim Sen Thapa did not keep a diary. It would be interesting to read his side of the story that is documented (at times so petulantly) by the residents in their reports to the governor general. Dr. Alan Campbell, of course, added his own gratuitous sallies into the realm of instant analysis. His sweeping summaries view the whole of Nepal-East India Company relations through the myopic eye of an assistant resident trying to impress the resident, a Boswell to Brian Hodgson's Johnson.²³ Campbell's reports have had

23 The comment here is not overly harsh. In his covering letter to Hodgson on presenting the 'Principal Transactions' and 'General Observations', Campbell wrote: 'I have the honor to present you with the accompanying sketch of the principal transactions which have occurred between our Government, and the Gurkha one of Nepal, to which I have added such observations as my limited experience of similar subjects has enabled me to make. Should this endeavour assist in convincing you of my anxiety to make myself acquainted with the records of this office, in which at your recommendation I was permitted for a season to assist, and tend to show that your confidence in me was not misplaced, it will have answered its primary purposes. If considered by you worthy of transmission to the Governor General, I hope it may be accompanied by such remarks as will assist in procuring for its the indulgent consideration of His Lordship.' To which Hodgson added in his own covering note: 'I trust that his Honor in Council will have the kindness to submit this performance to the favorable notice of the Right Honorable the Governor General of India, and I have no hesitation in saying that it is extremely well executed and calculated to reflect much light upon our existing unsatisfactory position in regard to Nepal.' The two documents treat of the residencies of Knox, Gardner, Maddock, and Hodgson. The first three are quoted from time to time, but for Hodgson is reserved the honour of frequent and laudatory quotations and Hodgson's opinions are frequently paraphrased and adopted by Campbell as his own. For Campbell, Gardner was 'supine'; Hodgson has 'intimate knowledge of the military tribes of this State.' Gardner put in twelve excellent years as resident. Hodgson was ultimately dismissed.

an influence on the story of Nepal's foreign policy they do not deserve. Few historians have noted, before they began to mine those reports for nuggets of insight, the wry comment Lord Auckland felt compelled to write after he had plowed through fifty foolscap pages of Campbell's exercises in analysis:

This paper, without containing much that is new, is interesting, but I hardly apprehend why the moral attempted to be drawn from the narrative is so emphatically applied to present times. The Gorkhas *may* be a "fierce, false, and barbarous people," *but* for more than 20 years they have respected our frontiers, and, though ungraciously, have observed the conditions of their treaty. They are not strongly prejudiced in favour of responsible intercourse with British India, and if a Gorkha writer were to undertake a counter [to Campbell's] dissertation, he would not be at a loss for instances in the history of India favourable to Nepalese... policy. We have no right to quarrel with this.²⁴

With no record of Bhim Sen Thapa's personal reflections to correct the balance, the bias in the extant documents is in favour of the resident. This is especially true in the documents of Brian Hodgson's time. For all their bias, however, these documents provide some remarkable insights, and, taken with caution, they can prove quite helpful. We today are in a situation not unlike that of the governor general as he read through the residency reports and tried to piece together for himself what was really going on in Kathmandu.²⁵ It is an exercise worth the trouble.

Isolation of the Residency

Bhim Sen Thapa's first move to restrict the resident's sphere of activities (and the one mentioned most often in the resident's communique) was reported by Lt. Boileau in a letter dated just ten days after

²⁴ Foreign Political Consultation, 18 September 1837, No. 72.

²⁵ It is a fact but seldom adverted to that the governor general did not have personal knowledge of the Kathmandu scene, but was dependent almost entirely on his residents for his knowledge. With the possible exception of Hastings, one is amazed at how equable the governors general were towards Nepal, considering the often poor quality of the information that they received.

his arrival in Kathmandu.²⁶ Bhim Sen had posted soldiers between the residency and the city. Nepalis were denied access to the resident. The resident could not sally forth into town. This interference with the resident's freedom of movement and contact with Nepalis chafed. Gardner took it well, 'supinely' in Campbell's estimation.²⁷ Maddock also managed to accept it, though he did complain about it to the governor general in a report of 2 December 1832.²⁸ But Hodgson, who spent almost his whole official career in Kathmandu and who was by nature of an enquiring and scientific bent, found the confinement almost intolerable. He resented it personally; he resented it officially; and he considered it an insulting way to treat a representative of the British *raj*. He fought against it constantly.²⁹

Bhim Sen Thapa deserves credit, or blame, only for the mode in which the isolation was carried out. The concept of isolating the resident dates from the Anglo-Nepal treaty of October 1801. Article nine of this treaty (article twelve in the draft treaty that is commonly published³⁰) says quite clearly:

It is incumbent upon the Vakeels [representatives] of both states, that exclusive of the supreme authorities and officers of government, they hold no meetings with any of the subjects or inhabitants of the country without the concurrence of the aforesaid authorities, neither should they carry on any correspondence with them, nor, in the event of their receiving any letter or writing from any such persons, should they return an answer, but they ought

26 Foreign Political Consultation, 11 May 1816, No. 30: a letter of Lt. Boileau to government, dated 24 April 1816. Boileau reported his arrival in Kathmandu on 14 April.

27 Campbell, 'Observations'.

28 Foreign Political Consultation, 12 February 1833, No. 160, a letter of Resident Maddock to government, dated 2 December 1832, containing his summary of events of the year in Kathmandu.

29 See Hunter, *Life of Hodgson*, pp. 129-35, for the full flavour of Hodgson's reaction to this restriction on his movements.

30 There is no question that the Nepal-East India Company treaty of 1801 published in Aitchison's *Treaties* and reprinted countless times from there is the *draft* treaty, proposed by Gajaraj Misra as plenipotentiary for Nepal and then modified by the governor general. Ludwig F. Stiller, S. J., 'Did Aitchison Err,' *Journal of the Tribhuvan University*, 6 (June 1971): 1-7.

to disclose the particulars of such letter or writing to the aforesaid authorities by which means as all apprehension and doubt will be removed and the sincerity of friendship clearly manifested.³¹

It is amusing in the light of later complaints to note that when Knox forwarded Gajaraj Misra's draft treaty, of which this was a clause, he made no comment on this stipulation. Nor did the governor general when he presented the treaty to his council and set forth his reasons for and against its various provisions.³²

The extreme measures adopted by Bhim Sen Thapa toward the resident were in one sense puerile, since they harassed the resident without actually preventing people from seeing him. But they were also highly symbolic of the intense distrust that he and the Nepalese had of the resident. There was another distrust manifested here as well, more difficult to express, but borne out by the documents and subsequent events. This was a distrust of Nepali towards Nepali in regard to the residency. As another study has shown, from the time of the regency of Bahadur Shah (1785-94) onwards, the Nepali attitude towards the British always included the suspicion and consequent fear that some Nepali would manipulate the British to achieve his own ends in the hills.³³ The restrictions placed on the resident arose as much from this distrust as it did from fear of what the resident might do if he were free to roam at will and contact whomsoever he please.

C. CONFLICT WITH THE RESIDENT

Of the three residents who served in Kathmandu during Bhim Sen Thapa's administration, Gardner (1816-29), Maddock (1831-33), and Hodgson (acting resident 1829-31; resident 1833-43), it was the last, Hodgson, with whom Bhim Sen Thapa had the greatest difficulty. During the first years of his residency, Brian Hodgson took a very aggressive stance and began to discuss both in his correspondence with the

31 Secret Consultation, 30 June 1802, No. 10A: the final copy of the Treaty of October 1801.

32 See Secret Consultation, 30 June 1802, Nos. 1 and 2.

33 Ludwig F. Stiller, S. J., 'The Role of Fear in the Unification of Nepal', *Contributions to Nepalese Studies*, 1 (June 1974): No. 2, 81-83.

governor general and at the Kathmandu durbar several major areas where he felt relations could be improved. Four of these areas were: trade, coinage, extradition, and the army.³⁴

1. Trade

Hodgson had three complaints with Bhim Sen Thapa's policies on trade. Higher customs duties were charged on Indian goods coming into Nepal than on Nepali goods going into India; the entrance of Indian merchants into Nepal was restricted; and Indian merchants who had been long term residents in Kathmandu were, in Hodgson's view, discriminated against.

Hodgson's complaints on customs charges were based on the 1792 trade treaty signed between Nepal and the Company.³⁵ According to the terms of this treaty, customs duties should be charged reciprocally at a rate of two and a half percent on goods imported from India into Nepal and from Nepal into India. Since 1792, the Company had regularly charged customs duties at this rate. The Nepal government had charged rates of ten percent or more.³⁶ This struck Hodgson as a matter that should be corrected, and he set about making that correction. The problem lay not with the treaty, which was clear enough on this point, but in the Nepal administration's refusal to acknowledge the treaty. They had never implemented it, from the time it was signed until Bhim Sen Thapa formally repudiated it in 1834.

One might well ask why Nepal entered into a treaty which was never implemented. The question is well founded. The treaty itself was diametrically opposed to the general trend of Nepal's foreign policy. Nor did its articles offer Nepal any real inducement to make such a break in its tradition.³⁷ Historians have generally assumed that there was, in addition to the treaty, some sort of protocol by which the Company agreed to give military aid to Nepal in time of need. This would

34 Ramakant, *Indo-Nepalese Relations*, p. 107.

35 Ludwig F. Stiller, S. J., 'A Note on Himalayan Trade', *Journal of the Tribhuvan University*, 7 (November 1972): 18-19.

36 This advantage in customs duties was a point that Hodgson and Campbell stressed repeatedly in their reports.

37 Stiller, 'The Role of Fear', pp. 70-71.

have been entirely appropriate in the context of Nepal's involvement with the Chinese in Tibet.³⁸ The prospect of war with China might well have prompted the regent, Bahadur Shah, to break with tradition and enter such a treaty, if this move offered him the hope of military assistance. As a matter of record, when the Chinese began their military build-up in Tibet for an invasion of Nepal, the Nepali government did request military aid of the governor general. No aid was sent. Instead, the governor general offered to act as mediator, which was unacceptable either to Nepal or to China. Quite possibly, Nepal never implemented the treaty because it failed to provide the assistance for which alone the treaty had been signed. In 1794, Bahadur Shah was removed from the regency. From that date King Rana Bahadur Shah assumed full powers in the state. Apparently the king considered the treaty of 1792 to be part and parcel of an unpopular trend in Bahadur Shah's policies and accordingly swept it aside by ignoring it. The treaty was not implemented. It was not even acknowledged, except in the treaty of 1801. This treaty was the product of the Damodar Pande group, who controlled the government of Nepal from 1799 to 1804. They were decidedly hostile to Rana Bahadur³⁹ and, by implication, to Bhim Sen Thapa, who rose to prominence as Rana Bahadur's closest confidant at this time. The treaty of 1801 was abrogated by the governor general in 1804, and this abrogation erased the only Nepali acknowledgement of the treaty of 1792. Bhim Sen Thapa, who came to power in 1806, was not likely to recognize what Bahadur Shah had ignored. Quite obviously, if Hodgson wished to have Nepal implement the customs clauses of the treaty of 1792, he would have to bring Bhim Sen Thapa to the point where he would recognize the treaty's existence.

The opportunity came in 1834. In that year, Calcutta mistakenly omitted timber from a list of Nepali goods subject to only two and a

38 Nepal had first invaded Tibet in 1789 and obtained, as a result, a treaty that was highly satisfactory to Nepal. This the Tibetans repudiated in 1790, whereupon the Nepalis conducted a second raid into Tibet in 1791. This second Nepali invasion of Tibet, however, provoked a strong Chinese reaction that led to the Chinese invasion of Nepal in 1792. See Ludwig F. Stiller, S. J., *The Rise of the House of Gorkha* (Ranchi, 1975), pp. 198-200.

39 One has only to see the separate article appended to this treaty, dealing with the restraints put on Rana Bahadur's freedom of movement, to appreciate this.

half percent duty on import into India.⁴⁰ Bhim Sen Thapa immediately demanded to know why customs charges on Nepalese timber had suddenly been raised above the regular duty. In reply, Hodgson asked Bhim Sen why two and a half percent should be considered the 'regular' duty. Something is regular only when based on a rule or agreement. Bhim Sen must surely know this. If Bhim Sen knew of such an agreement, Hodgson wanted to know, why did he consistently demand more than two and a half percent on *all* Indian goods imported into Nepal. Not content with pointing out Bhim Sen Thapa's misstep in this diplomatic charade, Hodgson wrote the governor general urging him to press this advantage. The governor general ignored Hodgson's recommendation. Instead, he permitted Bhim Sen Thapa to repudiate the old treaty, which Bhim Sen did in November 1834.⁴¹ To the surprise of the resident, however, the very next month Bhim Sen suggested a new treaty of trade. Hodgson thankfully accepted his offer, and in March 1835 he sent a completed draft of this treaty to Calcutta for the governor general's comments and suggestions.⁴²

Besides making provision for a uniform tax of four percent on imports from either country and providing a list of specified customs houses (both concessions that Hodgson had long sought), the treaty included a clause guaranteeing speedy justice to the merchants of either country residing in the other. It had been one of Hodgson's complaints that Indian merchants resident in Nepal experienced real difficulty in having their cases tried and getting justice in Nepali courts. The proposed treaty thus went a long way toward easing relations between Bhim Sen Thapa and Hodgson. In the course of events, however, the improvement in their relationship proved ephemeral.

2. Coinage

The proposed treaty contained no reference to Hodgson's com-

40 Ramakant, *Indo-Nepalese Relations*, pp. 119-21, develops this incident carefully.

41 Foreign Secret Consultation, 21 December 1841, No. 74: decennial report of the events at the court of Nepal, 1830-40, prepared from the residency papers by S. R. Tickell, the assistant resident at the court of Nepal.

42 *Ibid.* Hodgson should not have been surprised. Had Bhim Sen Thapa recognized the Treaty of 1792, he would have laid Nepal open to a claim for refunding customs charges made in the intervening years that were in excess of treaty rates. By declining to recognize the former treaty and negotiating a new treaty, he satisfied Hodgson without running this risk.

plaint about coinage. Hodgson felt, and rightly so, that trade could not develop unless there was an adequate and acceptable coinage.⁴³ Nepal collected a fair amount of money in Indian rupees through taxes on Tarai land, where rice was regularly sold into India for Indian rupees.⁴⁴ There were also profits in Indian rupees from Kathmandu's trade with India. As a result there existed a monetary basis for increased trade. However, as a regular policy the Nepal government melted down all Indian rupees and reminted them as Nepali rupees.⁴⁵ In itself this practice was not a serious problem. It removed Indian rupees from circulation and substituted for them Nepali rupees. There was a difference in the silver content of the two different types of coins, but they were still coinage, and either could serve the purpose of trade. Merchants have been known to work out satisfactory arrangements in far more difficult circumstances than these. The problem arose from monetary policies pursued by the Nepal government and the East India Company. In Kathmandu the rules were strict. Indian rupees could legally be exchanged only at the mint. No Indian rupees could be taken out of the Valley. And an exchange rate was imposed that gave the merchant less for his Indian rupees than an assay of the silver content of the coins would have demanded.⁴⁶ In India, as part of an effort to simplify the confused state of Indian money markets, the East India Company had ordered that Nepali rupees could only be exchanged at the Calcutta mint rate, which was based on the Calcutta mint's assay of the silver content in the rupees. Indian merchants consequently suffered a loss on the rupees they exchanged in Kathmandu, and trade suffered for want of a readily acceptable medium of exchange. Hodgson wanted the ban on the export of Indian rupees from Kathmandu lifted, but he did not get this in the proposed treaty.

When he found no official remedy for this coinage problem, Hodgson acted on his private initiative and so gave warning of his readiness to take matters into his own hands when his convictions were strong and

43 Ibid., for the year 1834.

44 Campbell, 'Observations', says Hodgson estimated the rice exports from the Tarai into India to be in excess of six lakhs of rupees a year. This is an educated guess, of course, since even today we have no hard figures for these exports.

45 Tickell, *Events in Nepal*, 1834.

46 Ramakant, *Indo-Nepalese Relations*, p. 122.

there was an opening for action. The residency had been authorized to issue bills of exchange in payment for the various items purchased from local merchants for the maintenance of the residency.⁴⁷ Since these bills of exchange were readily redeemable in India, backed as they were by the government of India, Hodgson saw no reason why they could not be used as a substitute for a freely convertible coinage. He began to issue bills of exchange also for cash.⁴⁸ Neither Indian nor Nepali merchants could take Indian rupees out of the Valley, but they could exchange their rupees at the residency for a bill of exchange and take that with them to India without difficulty. The practice, begun hesitantly, grew until it got out of hand. Hodgson accumulated an enormous amount of rupees, with no way of getting them off his hands except either selling them to the Nepal mint or shipping them back to India. The first was impossible, since it would mean taking a loss of about fifteen percent on the transaction.⁴⁹ Ultimately Hodgson was forced to accept the remaining alternative and ship them back to India. His explanation of his action brought notice of his exploit to the attention of the Board of Control in London, and Hodgson received a sharp rebuke.⁵⁰ But to an extent, Hodgson's policy succeeded. He managed

47 Campbell, 'Observations'. Hodgson had also worked out an arrangement whereby Nepali merchants paid for the maintenance of British troops in Nepal, half a lakh of rupees a year, in exchange for which they were provided with bills on account with various government treasuries in India.

48 Original Consultation, 6 April 1835, No. 14: a letter to the Court of Directors of the East India Company from the governor general, dated 6 April 1835.

49 Ramakant, *Indo - Nepalese Relations*, p. 122, note 59, says: 'The Nepalese official rate of exchange in 1834 was 100 Indian rupees to 120 Nepalese; Bazar rate—100 to 126–28. Calcutta Mint rate 100 to 135 $\frac{3}{4}$. Residency rate up to 1830 was 100 to 123; but from 1830 it was raised to 100 to 128.'

50 Original Consultation, 6 April 1835, No. 14: '... Mr. Hodgson was requested to furnish a detailed explanation of the proceeding by which he had accumulated the sum of sixty thousand rupees in his treasury not merely in excess of the current demands upon it, but so inconveniently large as to induce him to have recourse to a very extraordinary measure to get rid of it. It appeared from the resident's letters to the accountant general and the sub-treasurer that he had convoked his privilege of drawing Bills, *granted to him solely for the purpose of providing for the wants of the Residency* to the purpose of humouring the Durbar and the merchants of Katmandhoo, and that he had engaged in some scheme for promoting trade, respecting which *he had submitted no information to government.*' Emphasis added.

to provide the means to improve trade slightly, and he proved that with a suitable coinage arrangement trade between India and Nepal could be vastly increased. Hodgson's motives were hardly disinterested, but he did prove that it could be done. The rebuke, however, was to add to the tension between Hodgson and Bhim Sen Thapa and lead Hodgson to continue to put pressure on Bhim Sen to change his policies.

3. Extradition

Of the four areas of conflict between the resident and the *mukhtiyar*, the problem of extradition was the most complex. Hodgson wanted extradition. He saw that it was necessary for smooth relations. And he made every effort to press for it. As far as possible, the durbar accommodated him in individual cases, but there was no set arrangement or treaty covering this.

Extradition is a serious international problem. One cannot send people outside of the country merely to accommodate government authorities in another country who insist that the accused have committed some sort of crime in that country. This fails to take into account the rights of the individual and jurisdictional integrity. Even to this day, international law gives no rule of extradition that is uniformly followed by all nations.⁵¹ Extradition treaties are always reciprocal treaties between nations, and the terms of each particular treaty regulate the procedure. Normally, a request for extradition is forwarded through diplomatic channels. Upon receiving the request, the concerned government institutes a judicial investigation to determine whether there is sufficient evidence, in accordance with local law, to warrant the arrest of the individual for whom extradition is requested. If this investigation produces *prima facie* evidence of guilt, the fugitive is handed over to the country that has requested extradition. Once the fugitive is handed over, he must be tried for this one offence and no other, not even for a lesser offence included in the more serious one that was specified in the original request for extradition. There are any number of variations on this procedure, but this is the best that nations have arrived at in the

51 L. Oppenheim, *International Law: A Treatise*, ed. H. Lauterpacht (London, 1966) 8th edition, 1: 696: 'There is ... no universal rule of customary International Law in existence which imposes the duty of extradition.'

course of history. And the reason for this slow and highly sophisticated procedure is that any request for extradition somehow touches on the jurisdictional integrity of the nation that responds to the request.⁵²

Hodgson saw a problem that was real. Wherever there is a long, open border, there are those who commit crimes on one side of the border and seek refuge on the other side. This certainly happened along the Nepal–Company border, and a realistic process of cooperation and extradition was needed. However, to get such a treaty, Hodgson would have to convince the Nepal durbar that his government wanted to cooperate, not dictate a treaty, and Hodgson was far from being the man to do this.⁵³ The one serious opportunity given to the resident to show that he was willing to cooperate with the Nepalese authorities in this connection occurred in 1832. In that year a sweeper employed by the residency had violated caste laws and had relations with a Nepali caste Hindu woman.⁵⁴ This was a most serious offence in Nepalese law, and the authorities demanded either that the sweeper be handed over for trial and punishment, or that the residency try him according to Nepalese law. The sweeper was eventually tried according to Indian law, sentenced to five years imprisonment, and sent off to India in chains. The Company's government refused to accept Kathmandu's concepts of retributive justice.⁵⁵ This attitude also prevented the residency from accepting an amendment dealing with an aggrieved husband's right to retaliate, which Bhim Sen Thapa had added to one of the resident's proposed treaties of extradition. The Company's motives were of the highest. They thought the punishment disproportionate to the crime and the method of inflicting it barbaric. This may have been all very

52 Ibid.: '... States have always upheld their right to grant asylum to foreign individuals as an inference from their territorial supremacy...'

53 Hodgson was a young man (he became resident at the age of thirty–three). He was impatient of delay, demanding of his rights and those of the Company, and convinced that the *mukhtiyar* and the court were but one step removed from the state of nature. As he wrote of himself, 'My own conscience and judgement, however, will richly reward me, and whilst I live I shall reflect with delight that I saved a gallant and ignorant people from the precipice on which they were rushing by force of national habits and incapacity to survey comprehensively their relative situation.' Hunter, *Life of Hodgson*, p. 148.

54 Tickell, *Events in Nepal*, 1832.

55 Ibid.

proper to the British mind, but the message it conveyed to the already distrustful Nepali was unmistakably clear. 'The British want extradition on their own terms. They want cooperation when it suits them. They refuse to cooperate when they are not pleased. They do not want our cooperation. They want submission.' In 1855 a treaty of extradition would be signed, and it would expressly allow the resident to try cases such as that of the sweeper.⁵⁶ But it would come only after much greater mutual trust had been developed between the two governments, and when it was clear to the government of Nepal that it was an act of cooperation and not submission to interference.⁵⁷

4. The Army

There was no issue in Kathmandu that so aroused Hodgson as the size of the Nepal army. It was the major subject of any number of reports, and it figured as one of the leading comments in a great many more.⁵⁸ Hodgson was convinced that the Nepal army was far too large for Nepal's needs. In this he was certainly right. But he was also convinced that the very presence of this army constituted a threat to the well-being of India. M. S. Jain has denigrated the Nepal army as a striking force. Despite several serious errors of fact in his presentation,⁵⁹

56 C. U. Aitchison, *A Collection of Treaties, Engagements, and Sanads* (Calcutta, 1892), 2:186-88, Treaty 59, article six.

57 The climate had improved, but it had not yet reached the point of deep mutual trust that would come much later.

58 Cf. Foreign Political Consultations: 12 February 1833, No. 161: Hodgson's account of the growth of the Nepal army, dated October 1832; 12 February 1833, No. 165: Hodgson's summary of Nepal's military stores, dated 20 January 1833; and 13 February 1837, No. 40: Hodgson's summary of Anglo-Nepal relations for the year 1836, dated 22 January 1837.

59 M. S. Jain, *The Emergence of a New Aristocracy in Nepal* (Agra, 1972), pp. 41-46. Jain's picture of the Nepal army is hardly the factual one he would like to make it appear to be. The poor opinions he quotes regarding the performance of the Nepal army are not too unlike those that were a commonplace before the Nepal-East India Company war and which Ochterlony demolished once and for all with the statement that the sepoy of the Indian army could never be brought to face the Gorkhals. Troops are not evaluated for their parade ground manners unless they are reserved for ceremonial duties. As for Hodgson's failure to send factual returns of the Nepalese army, or a description of its arms and guns, surely something in the documents cited in note 61 above would suit this purpose. Since Jain refers to these documents himself, they apparently did not satisfy his standards or his thesis.

the main thrust of his argument is substantially correct. The army posed no real threat to India, nor was any effort being made in Kathmandu to train the army for the sort of fighting required for an invasion of the plains. No Gorkhali military officer of any standing would easily forget the shocking ease with which a unit of the British cavalry had cut up a detachment of Gorkhali troops they encountered in the plains during the late war.⁶⁰ The Nepal army was almost entirely infantry, with a few cannon of small calibre.⁶¹ They might have erupted into the plains during a period when the attention of the Company's government and military strength were directed elsewhere, but they posed no serious and lasting threat to the Company's territories.

If Hodgson was wrong, however, on the seriousness of the threat the army represented, he was right in saying that the Nepal army needed a firm hand.⁶² If these troops ever began to raid centres in the plains, they would have more than a nuisance value. Raids such as this could terrorize local populations, disrupt normal trade patterns, and even sweep away the harvests. To root out such raiding parties would be an extremely costly process: long, tedious, and very, very difficult. This view of the possible use of the Nepal army was an extreme one, true enough, but it was real to Hodgson, and no amount of historical argument today will change the view the resident held then. We have already seen how capable Hodgson was of formulating independent views and, when he was sufficiently convinced of the importance of those views, how capable he was of acting on them independently. There can be no historical doubt whatsoever that Hodgson did act on these views,

60 John Pemble, *The Invasion of Nepal: John Company at War* (Oxford, 1971), p. 241. It is also true, of course, that Major General John Sullivan Wood, who was himself a cavalry man, performed miserably during the war.

61 The infantry was really the only force that was adapted to war in the hills. The inferior calibre and quality of Nepalese cannon reflected the state of the art of cannon-boring in Nepal as well as the need to keep cannon small enough so that they could be transported over the hill trails. Of the two, the state of the art was probably the more important constraint.

62 There is no reason to assume that there was any lack of obedience in the Nepalese army. We are speaking here of the need for the army's senior officers to have a balanced view of their own military potential and limitations as well as that of the East India Company.

and he was in time removed from office for this very reason.⁶³

D. MOTIVES AND POLICIES

Hodgson's analysis of the Kathmandu scene was enunciated clearly and forcefully to the governor general.⁶⁴ He sincerely believed that as long as Bhim Sen Thapa remained in control of the administration in Nepal, the best course of action for the Company was to support him. But he also saw that Bhim Sen Thapa was getting older and that his hold on the situation was beginning to slip. It was natural for him to ask what would happen in Kathmandu as the situation changed.

Hodgson was alarmed by the size of Nepal's army.⁶⁵ He was further alarmed by the use of the rotation system to increase the number of men who had military training. He tried to chart the increase in the size of the army over the years, and he insisted that every increase in Nepal government revenues led directly to an increase in Nepal's military establishment. The following statement of his analysis of the situation, taken from Campbell's 'General Observations', is perhaps the clearest presentation of his position:

The strength of Bhim Sen's usurping hands keeps this creation of his [the army] quiet and in good order; and while the ranks of the Nepal army are at their present fullness and are animated by their present spirit, his vigorous administration (as long as we are not in any trouble) is our best safeguard against such annoyance as might accrue to us, either from the blind assault of a masterless soldiery, or from the presence of an unruly army on our frontier, torn (as it would probably be) by dissensions arising out of a weaker government than his.⁶⁶

63 C. H. Nocholette, assistant resident in the Kathmandu residency, recorded in the summary of events in Nepal, 1840-50, for the year 1843, 'Towards the end of this year Mr. Hodgson, the Resident, whose policies and measures had not given satisfaction to the Governor General was superseded in his functions by Major (now Lieut. Colonel Sir Henry) Lawrence.' *Foreign Political Consultation*, 11 November 1853, No. 3.

64 Campbell, 'General Observations'.

65 See the extracts from Hodgson's confidential report to the governor general submitted in 1837, cited in Hasrat, *History of Nepal*, pp. 242-43.

66 Campbell, 'General Observations'.

In the light of this analysis, Hodgson decided the most politic course would be to induce Bhim Sen Thapa to change his policies:

And thus situated, two alternatives are before us in carrying on the connexion with Nepal:

- A. Either to look indifferently on as heretofore with the knowledge that a perseverance by Nepal in her present plan of supporting a large and to her useless army will inevitably lead to renewed contact with us
1. with or without the advantage of opportunity and deliberation,
 2. during or after Bhim Sen's administration,
- B. Or, by an indirect means, to try and induce a change in his policy
1. from one exclusively warlike and hostile,
 2. to one of peace and real amity to our power.⁶⁷

Every move that Hodgson took after this date must be considered as a step towards the fulfilment of his policy of inducing Bhim Sen Thapa to change. His promotion of trade between India and Nepal was designed to siphon off revenues that might otherwise go into the military establishment.⁶⁸ His encouragement of the recruitment of Gorkhali soldiers into the Indian army was designed to give an outlet to the military spirit of the hill tribes.⁶⁹ The pressures he put on Bhim Sen Thapa towards a new treaty of trade were designed to increase

67 Ibid.

68 Hodgson's report on trade, contained in a letter to government dated 8 March 1830, Foreign Political Consultation 26 March 1830, No. 24. Cf. also Brian H. Hodgson, *Essays on the Languages, Literature, and Religion of Nepal and Tibet: Together with Further Papers on the Geography, Ethnology, and Commerce of Those Countries* (London, 1874), part 2: 91-121.

69 Hodgson's first report recommending the recruitment of Gorkhalis into the Indian army was submitted when he was still assistant resident in February 1825. See Foreign Secret Consultation, 4 March 1825. The most famous account was the one that he read before the Bengal Asiatic Society in 1833, which has frequently been reprinted, most commonly met in Hodgson, *Essays*, part 2: 37-44. This was revised and presented as an official report in 1837.

Nepal's dependency on India and therefore reduce the possibility of Nepal's attacking India and thereby interfering with the smooth flow of goods that he envisioned as developing.⁷⁰

The governor general seldom took Hodgson seriously. He was satisfied with the fact that Nepal, whatever her attitude towards the resident, and whatever her own internal affairs might be, was keeping the treaty.⁷¹ Nepal was not causing him trouble, and that was enough at the time. The uniform policy of the governors general was that, given time, Nepal would become friendly, and that only time would achieve this. This was clearly stated in the instructions that had been given to Lt. Boileau.⁷² It was repeated to Gardner.⁷³ It was contained in one form or another in almost every letter of instructions sent to the resident.

Even the proposed treaty of trade, the draft of which Hodgson had worked out with Bhim Sen Thapa and sent to the governor general for approval, was rejected.⁷⁴ The concerned authorities in Calcutta thought that the rate of duty proposed in the treaty, four percent, was too low in comparison with its other commercial agreements. The governor general's action subsequently was totally opposed to Hodgson's whole campaign to equalize custom's duties. The governor general remitted all customs duties on imports into India from Nepal in the hope that Nepal might be encouraged to do the same.⁷⁵ But there was no *quid pro quo* in his action, and the governor general's decision must have rankled. To Hodgson, this was tantamount to giving the Nepal government official sanction for policies that were steadily increasing her revenues—and thereby increasing the possibility of military expenditures.

In a great many ways it is unfortunate that the governor general did not take Hodgson seriously enough either to give him more positive

70 Hodgson's report on trade, Foreign Political Consultation, 26 March 1830, No. 24.

71 Foreign Political Consultation, 18 September 1837, No. 72; Lord Auckland's comment on Campbell's survey of Anglo-Nepal relations.

72 Foreign Secret Consultation, 11 May 1816, No. 32: instructions to Lt. Boileau as acting resident.

73 Foreign Secret Consultation, 16 March 1816, No. 23: instructions to Resident Gardner.

74 Stiller, 'Himalayan Trade', pp. 19-20.

75 Ibid.

guidelines or to realize that he was dangerous in Nepal. He allowed the case to ride, accepting Hodgson's reports, reading them, and filing them. He did not realize that Hodgson was capable of maneuvering on his own to achieve (as he had in the question of trade) the objects of his own proposals. At a time when Bhim Sen Thapa needed all the support he could get, Hodgson increased the pressures on him. He was determined to have free access to the king.⁷⁶ He conceived of this as his right as resident, and he fought for it. He took the initiative in preventing the mission of Mathabar Singh to Calcutta from developing into an official visit to England.⁷⁷ It is certain that Calcutta would have put severe restraints on such a visit in any case, but Hodgson pressed the matter, and it is clear from his correspondence that he was concerned less with the propriety of such a visit than with the impact it would have on local politics.

Few of Hodgson's efforts had any positive results. He achieved no permanent relaxation of the restrictions placed on his movements in and around Kathmandu. He got no trade treaty.⁷⁸ He was unable to achieve an extradition treaty. He not only failed to force Bhim Sen Thapa to implement the trade treaty of 1792, but saw the governor general permit Bhim Sen to abrogate it officially. He failed to convince the governor general that Nepal was dangerous to the East India Company. And his immense concern about the border led to no serious changes in that border. None of his initiatives to bring Bhim Sen Thapa to a change of policy succeeded, nor could they succeed without the support of the governor general, and the governor general was satisfied with the situation as it was.

But in the supercharged atmosphere of Kathmandu, no one with the resident's prestige could maneuver as Hodgson was doing without creating shock-waves that could be felt throughout the durbar. Hodgson was a serious irritant in a situation that was already far from sta-

76 Hodgson's confidential report to Lord Auckland, 1837, cited in Hasrat, *History of Nepal*, pp. 243-44.

77 Foreign Political Consultation, 21 December 1835, No. 29.

78 Foreign Political Consultation, 13 February 1837, No. 40: Hodgson's report for the year 1836. The terseness of this report from the usually prolix Hodgson is perhaps one gauge of his feelings at this time.

ble.⁷⁹ Whether he was directly or indirectly interfering in the internal affairs of Nepal depends largely on how these terms are defined. He was certainly exceeding his brief even in the mid 1830s, as is apparent from the tremendous differences in residency–durbar relations between the Gardner period and the Hodgson period. He was initiating activity where none was called for from the resident. And there is no doubt that he was trying to bring about a real change in Bhim Sen's attitudes before, as he thought, it was too late. Certainly many changes were required in the attitudes of the men who made up the Bhim Sen Thapa administration. But none of them could safely be induced by the resident. Hodgson's meddlesome attitude merely aggravated the already tense situation prevailing in the durbar. He felt, however, that he had to meddle. He was obsessed with the dangers he saw in Nepal's over-large army.

E. CONCLUSIONS

Whatever may be said about Bhim Sen Thapa's treatment of the resident, his policy worked. Campbell, in one of his rarer compliments to the Nepal administration, clearly admits this. The context can allow no doubt that, however grudging the admission, Campbell recognized the effectiveness of Bhim Sen's policies. After citing the governor general's instructions to both Boileau and Gardner insisting that the basic principle guiding their activities must be non-interference in Nepal's internal affairs, Campbell went on to add:

Other circumstances have contributed to our forbearance by exempting us from the necessity of meddling with the internal affairs of this State. We have been free from all such entanglements with Nepal as have elsewhere in India proved so destructive to the independence of the Native powers. Her armies have not been subsidized by us, nor have we borrowed her money or had claims upon her. To assist her against foreign invasion, we are not bound; nor are we pledged to that most misery–bringing of all

⁷⁹ Chapter seven of this study has already suggested the tensions that were growing among the *bharadars*. Further discussion of this state of affairs will be found in chapter nine below.

measures, the guaranteeing a throne to a certain set of Princes, against the will or advantage of the mass of the people. Her chiefs are not dependent on us, nor is she bound to ask or we to give counsel and advice, on any subject whatever. In short Nepal is free and independent of the British power.⁸⁰

Campbell's comment is an interesting illustration of the way representatives of British power viewed their own steady encroachment on the independence of local rulers. It also provides some insight into the value of a policy of non-interference which 'freed' the Company from the burdens that followed upon interference. It does not, however, provide clearly enough an explanation of the failure of the residency-durbar relationship to lead to such interference. The instructions of the governor general notwithstanding, residents were known to take steps on their own initiative that ultimately led to the deterioration of the local court's independence. This did not happen in Nepal, and Campbell explains this phenomenon:

The policy professed originally by our government, however, has not been the cause of this state of things. In 1801 it said to Captain Knox, "With the view to secure an influence in the actual administration of Nepal, His Lordship is disposed to acquiesce in the suggestion contained in one of your late dispatches of granting pensions to Damodur Pande and Bum Sah, who at present appear to possess preponderating power in the government." Again in 1816 our government wished to pension certain Nepalese Sirdars. But on both occasions the plan was rejected by the Durbar. *So that to the independent principles, or suspicious temper of her own rulers does Nepal in some degree save the fortunate circumstance of our being without any influence in her internal administration.*⁸¹

No matter how faint-hearted Campbell's praise for Bhim Sen Thapa, he clearly thought Bhim Sen's policy of isolating the residency bore fruit in Nepal's continued independence. This was a major accom-

80 Campbell, 'General Observations'.

81 Ibid.

plishment for Bhim Sen Thapa, and it will stand regardless of the criticism that might be levelled against Bhim Sen in other areas of administration. His policies towards the East India Company were as successful as we today could have hoped them to be. He derived the maximum benefit for Nepal from the governor general's offer to return part of the Tarai, he achieved a degree of real respect for Nepal's independent manner of living, and the minimized border friction. All of this is a remarkable recovery for a man who had led the country to war with the East India Company and had to suffer the after-effects of the amputation of extensive parts of the kingdom. Whatever judgment individual historians may make on the validity of Bhim Sen Thapa's reasons for accepting a war with the Company as a viable solution to the problems that Nepal faced at that time, there can be little doubt that in the period from 1816 to 1837 his foreign policy was remarkably effective. And it is no surprise that he elicited such high praise as he did from the one resident who had most reason to quarrel with him.

The key question we set ourselves to answer in this chapter, however, concerns the role of the army in these foreign policy achievements. Briefly, did Nepal's large standing army contribute significantly to these successes? Was the cost of supporting that army after 1816 the price that the people of Nepal had to pay for their continued independence?

The governor general, of course, was singularly unimpressed.⁸² Whether Nepal had a large army or not made very little difference in his own dealings with Nepal, nor did he see in it any threat to the peace in India. There were times when, under the prompting of the resident, he moved troops around in the Tarai to encourage Nepal to keep a tighter watch on the border,⁸³ and there were times when he found it expedient to ask the Kathmandu durbar for a formal explanation of its conduct, as in the Sindhia affair.⁸⁴ The governor general was also

82 Foreign Political Consultation, 18 September 1837, No. 72.

83 Except the troop movements of 1838, these were merely routine matters, carrying out the policy outlined by the governor general to the Court of Directors in a letter of 7 February 1839, Foreign Consultation 7 February 1839, No. 3: 'Nepal is not likely to invade the plains of Hindoostan except under the assurance of extensive cooperation on the part of other princes and feudatories of the British government, as long as our military attitude in that quarter is sufficiently imposing...'

84 Foreign Secret Consultation, 19 December 1817, No. 29: a letter of government to Resident Gardner forwarding instructions and a letter to the raja.

interested in reports of contacts between the Kathmandu durbar and the governments of other states.⁸⁵ But there seems to be no indication that the size of the Nepal army ever really entered into his councils.

Neither is there any indication in the records that the Nepal army was necessary to protect the country from foreign invasion. Quite the contrary. Neither the governor general nor Nepal's only other neighbour, China, showed any indications that they had designs on Nepal that included an invasion of this country. The cost would be prohibitive and the gains minimal. It made no economic sense to even think about an invasion of Nepal. The border was secure, and that seems to have been all the governor general wanted. Hodgson's effort to encourage a grandiose trade scheme that would use the Himalayan routes to bring British goods to the interior of Tibet and China received no encouragement,⁸⁶ and there was nothing else that could be shown as offering even a slight motive for invasion.

Bhim Sen Thapa certainly did not plan an invasion, even on a minor scale, of either India or China. The one experience Nepal had had with each of these countries was enough to convince anyone with the intelligence that Bhim Sen Thapa possessed that such an effort would be counterproductive. A country the size of Nepal does not challenge a country the size of China, and Bhim Sen Thapa certainly knew this. An attack on the East India Company was equally unthinkable. In 1814, when the Company had been far weaker than it was during the silent years, Bhim Sen had not been able to forge an alliance against it. Fighting alone had led to Sagauli. In these later years, the Company was almost unassailable. All hope for a meaningful alliance against the British had vanished with the collapse of the Marathas. Alone, Nepal could not hope to marshal enough logistic support to make her troops a match for the Company's constantly increasing resources. As far as Nepal's neighbours were concerned, Bhim Sen Thapa's army had no real military purpose, either defensive or offensive.

85 Although these contacts were not permitted, according to the terms of the Treaty of Sagauli, a certain amount of such contact was maintained by the Nepal durbar. The governor general's office watched it, but rarely seemed alarmed by it.

86 Foreign Political Consultation, 26 March 1830, No. 24. Cf., also, Pemble, *The Invasion of Nepal*, pp. 86-89.

If the army did not impress the governor general, and if it had no military purpose, what role did it play in Nepal's foreign policy? For Gardner and Maddock, it played no role at all. They noted its increase, and they commented on it. But it failed to influence their conduct one way or another.⁸⁷ With Hodgson, however, it was quite another matter. He *was* influenced by it. He was concerned about the size of the army, the use of the rotation system to increase the number of trained military men at the nation's disposal, and the possible uses the army might serve.⁸⁸

Perhaps most important, Hodgson saw the army as a creation of Bhim Sen Thapa that had to be controlled, and he feared that with Bhim Sen Thapa beginning to age and to lose his hold on the administration, this creation would become irresponsible and therefore a danger to peace and stability. He saw the only safe way to handle this situation was to defuse it. Bhim Sen Thapa must be forced to moderate his views and this led to a more amicable relationship with the Company. To achieve this end, Hodgson encouraged the governor general to put pressure on Bhim Sen Thapa. When the governor general failed to respond to this appeal, Hodgson took it on himself to force Bhim Sen Thapa to change his stance. And even though his efforts were largely unsuccessful, he did put increasing pressure on the *mukhtiyar* at a time when Bhim Sen Thapa was least able to counter this. Hodgson's efforts should not be over-rated. He had little real influence on the politics of the durbar at this time. The point to be noted, however, is this, that the very reason for his interference and his pressure was the army that Bhim Sen Thapa had built up and maintained.

87 Gardner reported in December 1824, after the disturbance associated with the transfer of Uzir Singh Thapa and Uzir Singh's death: 'The ferment which appeared to be working has in a great measure subsided, and Wuzzeer Sing's death I think will tend still further to quiet them and keep affairs here in an undisturbed state, and I trust there remains little cause to apprehend further trouble from them at this particular time.' Foreign Secret Consultation, 17 December 1824, No. 9. Maddock, after describing the military 'mania' in Kathmandu, went on to observe: 'I mention these circumstances not as indicating any hostile disposition on the part of the Nipaul Government. . . .' Foreign Political Consultation, 12 February 1833, No. 160.

88 This is most accurately reflected in Campbell's emotional exposition of the strength of the Nepal army in 'General Observations'.

Hodgson was obviously over-reacting. The army that Bhim Sen Thapa continued to maintain after Sagauli was not an enormous creation. Even after the introduction of the rotation system, it was still modest in size. As a military threat, Hodgson could have dismissed it, as did the governor general and the other residents. However, he did not dismiss it, and in the final analysis the army hurt Bhim Sen Thapa and the nation more than it helped.

In this study, are we over-reacting in the same way that Hodgson did? Are we seeing the army as playing a larger role in Nepal during the silent years than it actually played? It has been pointed out that in later years the army in Nepal would grow to much larger proportions than it had in this quiet period. Does this not prove that too much has been made in this study of the economic burden the army placed on the farmers of village Nepal?

This certainly is the conclusion one is tempted to draw. One instinctively dislikes agreeing to any proposition that tarnishes the record Nepal's army has established in the course of its history. There is even greater reluctance to accepting as fact the suggestion either that maintenance of the army drained the vitality out of village Nepal's economy or that the officer corps was composed of unfeeling men who wanted their share, cost what it may. But is that really what we are saying here? I think not. We are simply stating as fact that the organization of the army and the method of financing it were too expensive for Nepal at that time. This was obviously an administrative problem, not a military one. We are further saying that this administrative problem was one that Bhim Sen Thapa's administration did not attempt to solve, because to do so would necessarily alienate some of the *jagirdars* whom Bhim Sen Thapa relied on to bolster his position in the durbar during the years immediately after the war. On the basis of what we have seen in chapter seven, it is doubtful if the army itself was any more pleased with the situation than were the people of village Nepal.

However, in saying this, we can have no intention of absolving all members of the officer corps from connivance in maintaining their positions of prestige in the durbar. There was connivance, and it was wilful. The policy, however, was Bhim Sen's, and, as we have seen in this chapter, it served no national purpose.

Like so many tragedies cast in the classic mold, Bhim Sen Thapa's career in foreign affairs had a beginning, a middle, and an end. There was a time of learning, a time of unparalleled success, and a time of frustration leading to one of the most lonely deaths that history has recorded.⁸⁹ One could be caught up in the sheer drama of this tragedy, were it not for the fact that our story here is not of Bhim Sen Thapa but of Nepal. The sentiment so naively expressed that 'Bhim Sen Thapa was Nepal' is better ignored than commented on. Nepal was a collection of people who were caught up in localized living patterns and societies, united only in their acceptance of Kathmandu's authority over their lives, but struggling nonetheless in almost imperceptible ways to become a nation. Bhim Sen Thapa's importance to the people of Nepal and to the history of Nepal was no greater and no less than his contribution to that growth. Insofar as his foreign policy achieved outstanding success, not only for himself but for the nation, he has earned the lasting thanks of the people of Nepal. But the army did not figure in that success after 1816, and the maintenance of that army was to prove eventually the cause of his undoing. All tragic characters display a tragic flaw, and this was perhaps the flaw that tarnished what might have been a better than average record. Bhim Sen Thapa was an administrator. He was not a leader cast in the mold of Prithvinarayan Shah. Few men are. But even in his administration there was this one serious flaw that robbed him of greatness. When he tried his personal ambitions in the balance against the welfare of the people, his personal ambitions won out every time. And this was to be ultimately the cause of his failure. Sad as that failure was, it in no way compared with the cost the nation paid for his mistake in terms of human suffering and the inhibition of the nation's search for internal unity and purpose.

⁸⁹ See chapter nine below ad finem.

CHAPTER NINE

INTO THE MAELSTROM

The evening darkens over.
After a day so bright
The windcapt waves discover
That wild will be the night.
There's sound of distant thunder.¹

Girbana Yuddha Bikram Shah's death in 1816 left the throne of Nepal to Rajendra Bikram Shah, his three-year old son. Within two weeks, both of Girbana Yuddha's queens also died.² This left no one of Rajendra Bikram's immediate family to serve as regent during his minority. Lalita Tripura Sundari, the queen grandmother, who had served as regent from 1806 until Girbana Yuddha came of age, once again stepped forward as regent. She permitted Bhim Sen Thapa to continue as *mukhtiyar*, and the two of them weathered the storms of the postwar period.³ The regent and the *mukhtiyar* worked well together. The regent rarely interfered in the *mukhtiyar's* office, and the *mukhtiyar* executed the regent's personal projects with almost lavish attention to detail.⁴ During the fifteen years of the postwar period during which Lalita Tripura Sundari and Bhim Sen Thapa collaborated, the administration worked smoothly, if unimaginatively. Bhim

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- 1 Robert Bridges, 'The Evening Darkens Over', *Six Centuries of Great Poetry*, ed. Robert Penn Warren and Albert Erskine (New York, 1955), p. 471.
 - 2 Siddhi Rajya Laxmi, the senior queen and mother of Rajendra Bikram, became a *sati*. Gorakshya Rajya Laxmi, the junior queen, died two weeks after Girbana Yuddha. There is no mention of the cause of Gorakshya Laxmi's death, but there was a smallpox epidemic in Kathmandu at the time, and her husband had died of smallpox.
 - 3 The queen grandmother seems to have continued to support Bhim Sen Thapa because she found him the only one capable of controlling the Nepal administration in these postwar years. See chapter four above.
 - 4 The most outstanding of these are surely the *Sun Dhara*, near the central post office in Kathmandu, and the temple of Tripureshwar with its attendant *guthi* (lands set aside for the maintenance of the temple and its services).

Sen Thapa, with the regent's support, cemented the *bharadars* into an almost monolithic military bureaucracy.

We have expressed deep concern in this study over the insensitivity of this bureaucracy to the basic problems of currency, rural indebtedness, and regional administration. Up to this point, we have said very little about Bhim Sen Thapa's insensitivity to another basic reality of life in Nepal, that Nepal was in law and in fact a monarchy. In his personal relations with the king, Bhim Sen was the model courtier. The residents' reports suggest that this was all a facade. In their minds, Bhim Sen not only manipulated the court but was cavalier in his treatment of the king. However, the resident's own anxiety to have direct access to the king so biased their reports that separating fact from fancy in this regard is frequently impossible.⁵ Bhim Sen's attitude was not a facade. There is nothing in Rajendra Bikram's later conduct towards Bhim Sen Thapa that would indicate the presence of a deep-seated resentment at the treatment he had received from Bhim Sen during his minority.⁶ Rajendra Bikram was king, and Bhim Sen Thapa personally respected him.

However, as long as the king was a minor, Bhim Sen Thapa ran the administration as if there were no king on the throne. The regent had the red seal; Bhim Sen Thapa ran the administration. He went through all the formalities of discussion and arriving at a consensus with the members of the 'inner circle', but the consensus arrived at was the decision he wanted.⁷ When the order was written, the regent applied the red seal, and that was the end of it. Whether it was a key appointment, a point of law, or a detail in the administration of land and revenue, the *mukhtiyar* acted. And because of this, men flocked

5 Alan Campbell, 'General Observations', Foreign Political Consultation, 23 January 1835, No. 50, and the reports of Lt. Boileau, Gardner, Maddock, and Hodgson, all stress the absolute power of Bhim Sen Thapa. Yet Campbell himself, as well as Hodgson, stresses the fact that Bhim Sen Thapa's continuance in power depended on re-appointment in the annual *pajani*. The fact that they stress this re-appointment indicates that even they recognized that his power was not really absolute.

6 Provided these were personal and non-political.

7 What is said here is true after Bhim Sen Thapa consolidated his position in the administration in the immediate postwar years.

around him. Prestige follows power, and no matter how much deference and subservience the *mukhtiyar* might show the king, it was obvious to all, and especially to the king, that it was to Bhim Sen Thapa that people went. Perhaps the most disturbing thought to assail the king's peace of mind was that this power that Bhim Sen Thapa wielded was the king's own power, which law and tradition gave him both a right and a duty to exercise.

In the Nepal of Rajendra Bikram's time, as in the time of Prithvinarayan Shah, the true foundation for the king's political power lay in his right to assign land in *birta* or in *jagir* grants and the power of the *pajani*.⁸ Land grants, whether *jagir* or *birta*, were the true source of wealth and power and prestige in the country. The land grant was the only real dividing line between the noble and the village tenant farmer. The power to grant land under whatever condition was tantamount to the power to create a noble. The *pajani* was the other edge of the sword. In the *pajani* the king had the power to terminate, with no questions asked or explanations offered, the services of any officer of the state, from *chautariya* at the king's right hand down to the newest recruit in far-off Doti. By tradition, the *pajani* was an annual affair, when for a few days or weeks the life of the administration came to a standstill. Old officers' tenure was terminated. And they waited in expectation for a renewal of their assignments or for new assignments. The *pajani* could, however, take place whenever the king wanted to hold it. Once a year, twice a year, or skip a year. But it was power. With it he could break a noble as fast as he could create one. This was the power that Bhim Sen Thapa wielded to run the administration as he did. And this was the power that the king was entitled to take into his own hands as soon as he reached his majority.

A. CRACKS IN THE MONOLITH

Historians of Nepal approach the period from 1831 to 1837 with great misgivings. If the years from 1837 to 1846 are considered also, their misgivings turn into confusion. The reasons for this are ample. Historical evidence for this period is abundant but incomplete; the

8 Ludwig F. Stiller, S. J., *The Rise of the House of Gorkha* (Ranchi, 1975), pp. 48-52.

accounts available are heavily biased; the motives of the leading characters are mixed; and apparent allies in the Nepal durbar work at distinct cross-purposes. As a result, historical accounts of events during this period rarely agree. And small wonder it is. For in such a situation the historian clings to his real purpose, which is to find meaning in the events of the past, and frequently the meaning the historian finds is determined as much by his own perception of society as it is by the events he narrates. Throughout the pages of this study, for example, we have tried to consider Nepalese society from two aspects: the challenge to Nepal posed by Nepal's defeat in the Nepal-East India Company war and the growth of unity and sense of 'nation' in the people of Nepal. We have seen that the conduct of the war itself laid a heavy financial burden on the people of Nepal. We have also seen that at the time of the war the real bond of unity in Nepal was the loyalty of the *bharadars* to the throne. District administration was primitive; communications were extremely difficult. The burden of unity fell, therefore, on the *bharadars* who manned the various offices of the administration. In the immediate postwar years, when Bhim Sen Thapa's position at the centre of government was challenged, we have seen how he relied on the support of the military officer corps, which he controlled by playing alternately on the *bharadars*' fears of a renewed British invasion of Nepal and their ambitions for new military activity. During this whole period the administration was static to the point of stagnation. There was little or no upward mobility; there were no new ideas; there were no new solutions to the basic problem that confronted the country, namely, that the cost of the military establishment was beyond the financial resources village Nepal could generate under the constraints of traditional economic patterns. In the absence of upward mobility, Bhim Sen Thapa used his powers of appointment to move *bharadars* from post to post in a game of political musical chairs, giving a sense of motion where none really existed. He used the power of the *pajani*, or the threat of it, to play upon the individual *bharadar*'s drive for personal and familial security in order to gain the maximum loyalty to the state and to himself. In a state where the civil administration was practically non-existent, as was true of Bhim Sen Thapa's Nepal, the *bharadari* comprised the higher ranking military officers. They were the key to unity of the state, the key to Bhim Sen's position in the state, the key to the econo-

mic problems of the state, and the key to the British resident's intense opposition to the policies of the state. For better or worse—Bhim Sen Thapa or no Bhim Sen Thapa—these *bharadars* were loyal to the crown. When King Rajendra Bikram claimed the powers of the throne on reaching his majority, not one of them, not even Bhim Sen Thapa, opposed him. This is what our perception of Nepalese society has taught us up to this point. It is this same perception of society during this period, and the same fundamental approach, that will direct our steps through the confusing years from 1831 to 1839. Whether we find meaning in them or not is for the reader to decide.

The three cracks that appeared in Bhim Sen Thapa's monolithic bureaucracy in the years 1831–33 were the king's coming of age, the death of the regent, and the appointment of Brian Hodgson as resident in Kathmandu. Each of these had a direct effect on Bhim Sen Thapa's ability to direct the administration and to manipulate the *bharadari* for his own preservation in power.

King Rajendra Bikram Shah reached his majority towards the end of 1831.⁹ The previous history of the Kathmandu durbar indicates that there was no formal and automatic handing over of power to the king on the day when he came of age. Rajendra Bikram's grandfather, Rana Bahadur Shah, for instance, did not assume control of the government until several years after he reached his majority.¹⁰ We have no record of when, if ever, Rajendra Bikram's father, Girbana Yuddha, assumed full control of the government. The actual transfer of power was perhaps too delicate a maneuver to subject to hard and fast rules. Quite possibly the best course, and the one generally adopted, was a gradual transition of power, during which the administration continued on in its former course while the king took gradual control of those aspects of the administration which he thought should best be in his own hands.

How long a period King Rajendra Bikram might have been expected to wait before he began to assert himself became irrelevant on 6 April 1832, the day Regent Queen Grandmother Lalita Tripura Sundari

⁹ Majority: eighteenth year. Baburam Acharya figures eighteen years completed.

¹⁰ Rana Bahadur Shah reached his majority in 1793, but he did not take control of the administration for at least one more year.

died.¹¹ With no regent to carry on the official duties of the throne, it was imperative that the king begin to assume some of the functions of his office immediately. Most activities of the administration could continue as before. Bhim Sen Thapa and his bureaucracy could easily carry on the day-to-day administration and submit their decisions to the king for his approval. This required no great involvement of the king in the administration. All official letters required the official seal. These letters were as a matter of course submitted to the king for his seal, and by that very fact they were subjected to his scrutiny. It would be naive to assume that in the beginning the king took a close personal interest in all the letters that came to him. Many of them were details of government that would require a thorough knowledge of the background of the letter, the circumstances that prompted the petition to Kathmandu, and the complex reasons for handling the case as it was being handled. They were routine administration. Others, however, were letters of appointment and letters setting forth policy. All such matters would invite a closer scrutiny and could be expected to arouse more than a passing interest as the days went by. How much interest the king took in the daily conduct of the affairs of government at this period, no one can say. Nor can we conjecture how much assistance in understanding the complexities of government the king felt compelled to ask Bhim Sen Thapa to provide or how much instruction the *mukhtiyar* thought the smooth functioning of government would require him to offer. Certainly, however, Bhim Sen Thapa did not feel it necessary or even useful for the king to be involved in all aspects of government. We know for certain that he insisted even at this period that all contacts between the durbar and the residency should be made through the channels that he provided.¹² It seems likely also that the same attitude marked other aspects of the administration. We do find numerous documents of this time that clearly emanated from the king, but most of them are concerned with religious obligations and deal with small land grants to Brahmans who had performed some important

11 The notice of the queen grandmother's death, giving the date and details of her death, was published in Chittaranjan Nepali, *Janaral Bhim Sen Thapa ra Tatkalin Nepal* (Kathmandu, 2013 B. S.), p. 275.

12 Campbell, 'General Observations'.

ceremonial service for the royal family.¹³ Other documents that have all the appearances of a royal document, including titles, forms of address, and so forth,¹⁴ actually differ very slightly or not at all from similar documents issued during his minority, and it can be safely assumed that despite appearances these letters were prepared by the administration and then given the authorization of the royal seal. If the king were contemplating any radical change in the administration at this early date, there is no indication of it in the documents. Some have interpreted this period as one of struggle between the king and the *mukhtiyar* for actual control of the state.¹⁵ This is doubtful. While it is true that the king had seen, and could not help seeing, that the *mukhtiyar* was the one exercising real power, it is anticipating events to postulate a struggle at this time. Quite obviously, if the king had not been directly associated with the administration throughout his minority, he would first have to acquire some understanding of the state of the administration itself and come to know the men in the administration before he could do much in the way of assuming control. He would have to trust someone to conduct the day-to-day business of government. Whom could he trust?¹⁶ It would take time to sort things out even for the most ambitious of rulers, and there seems no reason to assume that the king was anxious at this time to plunge into the intricacies of court politics, which such a struggle would imply. The period from 1833 to 1837 must be seen, then, as a period of growing involvement, in which the king slowly responded to the realities of his own power and began to try to understand the leaders of his administration. We must remember that there was a very significant age gap between the king and

13 See for example Bhim Sen Thapa Documents: 13/69/81-84.

14 We would not expect to find much difference in the style of purely administrative letters whether the *mukhtiyar* or the king were the author, since such letters tend to be stylized and would probably have been written by the same *kharidar* ('secretary').

15 M. S. Jain, *The Emergence of a New Aristocracy in Nepal* (Agra, 1972), is certainly one of these.

16 In late 1803 Rajrajeshwari Devi, who had just assumed control of the Kathmandu administration, wrote to Gajraj Misra, complaining of the secret motives of some of her advisers and the problems connected with making sound decisions when she did not yet understand the men who surrounded her and participated in the decision making process. Secret Consultation 28 April 1804, No. 295.

all the senior ministers of the state. It was not only Bhim Sen Thapa who was so much older than King Rajendra Bikram Shah.

In January 1833, the third crack in the monolith of Bhim Sen Thapa's bureaucracy appeared with the appointment of Brian Hodgson as the British resident to the court of Kathmandu. We have already mentioned some of Hodgson's particular concerns when we dealt with Bhim Sen Thapa's foreign policy. Here it will suffice to recall that Hodgson had already spent eight years in Nepal as assistant resident and officiating resident.¹⁷ During those eight years in Nepal he had had ample time to formulate very strong views on all aspects of residency-court relations, and it is clear from the record that a man of his determination would waste no time in pressing for solutions to what he saw as urgent problems. He was not above exploiting the slightest opportunity to attain what he considered important, and he had the will to carry his initiatives through with or without the support and approval of the governor general. His activities took on a certain urgency, because he was convinced that Bhim Sen could not possibly remain as *mukhtiyar* for many more years. He fervently believed that because of this Bhim Sen Thapa must be brought to change his policies while he was still in power, lest the military complex that he had created get out of hand after his passing. As a consequence, Hodgson's appointment as resident would prove a serious irritant to the administration and a constant challenge that would distract Bhim Sen Thapa from more pressing internal problems. More importantly, Hodgson's efforts would add a further divisive tendency in the politics of the court itself. Nepal-Company relations, which had moved along smoothly for so many years in quite regular channels, would again be a matter of debate and concern. Interested parties in the court would again find abundant

17 Hodgson's career in Nepal was long and varied. He had come to Nepal as assistant to Resident Gardner in 1820. In 1822 he accepted the post of acting deputy-secretary in the Persian department in the foreign office in Calcutta. His health deteriorated in the Calcutta climate, and he was forced to return to Kathmandu in 1824, this time as the postmaster of the small post office at the British residency. In 1825 he was again named assistant resident, a post that he filled until 1833, when he was named resident. He also served as 'officiating' resident from 1829 to 1831 during the interval between Gardner's departure and the arrival of Maddock.

opportunities to question the wisdom and practicality of Bhim Sen's policies. Hodgson had not yet reached the stage where he directly interfered in the affairs of the court. However, at a time when a smooth transition from the regency to the king's own rule was important, Hodgson's activities made that transition far more difficult.

B. THE TRANSFER OF POWER

The key to the transfer of power from the *mukhtiyar* to the king lay in the right to conduct the *pajani*. As long as the king made no move to take this power into his own hands, there was clear indication that he was sufficiently satisfied with Bhim Sen Thapa's administration to allow it to continue as before. The annual reappointment of Bhim Sen Thapa, of course, had been in the hands of the regent, and, after her death, in the king's own hands. In the *pajani* of February 1833, Hodgson reported a slight delay in the reappointment of the *mukhtiyar*,¹⁸ but he did not interpret this as any direct attempt to reduce the *mukhtiyar's* own powers of patronage under the *pajani* system. There was, however, a great deal more taking place in the durbar than Hodgson realized at the time.

Phase I – Family Friction

In March 1833, Rana Bir Singh Thapa, Bhim Sen's younger brother, was sent to Palpa as governor.¹⁹ He had been Bhim Sen's trusted agent in the durbar for years. Moving a person of such influence to a post as remote as Palpa had more than ordinary significance. The immediate occasion for Rana Bir's move to Palpa was the replacement of Bakhtawar Singh Thapa, another brother of Bhim Sen, who had been in command in Palpa since 1824. Since Palpa was one of the most important commands in Nepal, Bhim Sen had regularly appointed one of his own family there.²⁰ But this does not explain the reasons for Rana Bir's

18 Foreign Secret Consultation, 18 January 1841, No. 74: Tickell's decennial summary of events in Nepal, 1833.

19 The fact of Rana Bir Singh Thapa's appointment to Palpa has been widely reported. There is no general agreement on the reasons for this appointment, but the appointment itself is less significant than his removal from his position in the palace. See note 21 below.

20 The first Gorkhali governor of Palpa was Bhim Sen Thapa's father, Amar Singh Thapa (not to be confused with Kazi Amar Singh Thapa, who commanded the Gorkhali forces in the far west). He was succeeded by Bhim Sen's nephew Uzir

rather abrupt departure from the palace.

When Lalita Tripura Sundari died in 1832, King Rajendra's senior queen, Samrajya Laxmi Devi, took possession of the royal seal. She apparently intended to assume the powers of the regent.²¹ Rana Bir's role in the palace was precisely to prevent any untoward action on the part of the king and to keep Bhim Sen Thapa posted on the moods, trends, and activities of the palace. Rana Bir said nothing about the queen's action but quietly encouraged the queen and tried to win her confidence. Mathabar Singh Thapa, Bhim Sen's nephew and most trusted officer, discovered this shift in loyalties and quarrelled violently with Rana Bir, despite Rana Bir's position and seniority. Mathabar Singh then resigned his appointment as commander of the Sri Nath Regiment in a public disavowal of any possible collusion between himself and his senior officer.²² When Bhim Sen heard of Rana Bir's activities, he removed Rana Bir from the palace. Rana Bir then went to his home at Sipa, outside Kathmandu, where he stayed for a brief period. Though he was without an assignment, he still held his commission as commander-colonel in the army. At the time of the *pajani* in January 1833, Bhim Sen Thapa routinely stepped down from office in expectation of the usual immediate reassignment. It did not come. For reasons unexplained but obvious, he was kept waiting for well over a week (and all government work came to a halt) before he was reappointed *mukhtiyar*.²³ The durbar had clearly indicated its displeasure. Bhim Sen was determined not to put Rana Bir back into the palace, where his now open ambition could do further mischief, but he had to find some

Singh Thapa. In 1824 Uzir Singh was replaced by Bhim Sen's brother Bakhtawar Singh Thapa, who was transferred to Palpa from Nuwakot. Rana Bir Singh Thapa was appointed governor of Palpa in 1833 and held this post until July 1837.

21 These details are taken from Baburam Acharya, 'Bhim Sen Thapa ko Pattan', *Pragati*, No. 10: 117-18. Baburam Acharya was known for his bias in regard to Bhim Sen Thapa, and he seldom bothered with references, although he had access to materials few historians of Nepal have seen. I have followed him here, because Mathabar Singh Thapa would seem to have been the ideal replacement for Bakhtawar Singh, unless there was some compelling reason for removing Rana Bir Singh Thapa from his position in the palace.

22 Tickell, *Events in Nepal*, 1833.

23 Hodgson in a letter to government, dated 18 February 1833, cited in William Wilson Hunter, *Life of Brian Houghton Hodgson* (London, 1896), pp. 131-36.

alternative employment for this man who was so well known and evidently so well liked in the palace. The post of governor of Palpa might do.²⁴ Sending Rana Bir there as governor might prove less than an ideal solution to Bhim Sen Thapa's problem, but it would remove Rana Bir from the palace and at the same time relieve some of the pressure Bhim Sen was under to restore Rana Bir to his post. Bhim Sen argued with some success that the governorship of Palpa was an especially sensitive post and that it required a person of Rana Bir Singh's talent. To lend credence to this idea, Bhim Sen promoted Rana Bir to the rank of lieutenant general.²⁵

At the time this important step was being taken, Bhim Sen Thapa appointed Kazi Surat Singh Thapa, a grandson of Kazi Amar Singh Thapa, to a very high post in the central administration.²⁶ From this date, orders from the centre were jointly signed by Bhim Sen Thapa and Surat Singh Thapa. Surat Singh was the first young man to break into the inner circle of the old guard, and his appointment must be considered a very important development.

Whether in reaction to the promotion and appointment of Rana Bir Singh Thapa to Palpa or to the promotion of Kazi Surat Singh Thapa to the inner circle, Mathabar Singh Thapa and his cousin Dal Bahadur Thapa resigned their commissions at this time.²⁷ Mathabar Singh had earlier resigned his appointment as commander of two battalions of the Sri Nath Regiment, but his new move was far more serious. In an age when a *jagir* was the objective of everyone who hoped to move up the socio-economic ladder, it was unheard of for a young,

24 Baburam Acharya, 'Bhim Sen Thapa ko Pattan', p. 118, says that Bakhtawar Singh Thapa died in 1832. This does not agree with the documents. Bhim Sen Thapa Documents: 43/373/1, dated 1890 B. S., Kartik (October 1833) and 42/7/-33, dated 1892 B. S., Ashar (June 1835) show that he was still living and still a kazi as late as 1835.

25 Both Baburam Acharya and Tickell represent this appointment as being somehow against Bhim Sen Thapa's wishes. Tickell, *Events in Nepal*, 1833, has seen the cause of Bhim Sen's reluctance to appoint Rana Bir Singh in Bhim Sen's desire to control the administration. In view of the blood relationship and Rana Bir Singh's previous record of appointments, this would seem to indicate that something had indeed happened to cause Bhim Sen to doubt his loyalty.

26 Baburam Acharya, 'Bhim Sen Thapa ko Pattan'.

27 Tickell, *Events in Nepal*, 1833.

successful, and well-connected officer to renounce his commission. Mathabar Singh's popularity with the troops made it impossible to treat this as a strictly personal affair, and it received wide and sympathetic publicity. The troops were restive, and this was serious. The men of the Sri Nath Regiment were posted at Chauni in Kathmandu, and they served as the dominant military force in Kathmandu Valley. Anything that affected their morale and discipline automatically concerned the whole government.

King Rajendra Bikram wanted Mathabar Singh to go back to his old command.²⁸ Bhim Sen Thapa, who knew his nephew and his temperament well, saw that this was no solution. Mathabar Singh was a popular officer who was known for his loyalty to Bhim Sen. He had resigned his commission in protest at the pressure put on the *mukhtiyar* to pamper a man whose loyalty was in question. Sending Mathabar Singh back to his old command would be a loss of face at a time when loyalty must be encouraged. The solution was to find a new and impressive command for Mathabar Singh that would allow him to make his protest and at the same time bring him back into active service with honour. In the strained atmosphere that followed Mathabar Singh's resignation, of course, this was impossible. Mathabar Singh had resigned in March 1833.²⁹ For some months, Bhim Sen Thapa did nothing. He knew the king's will, and he knew how stubborn Mathabar could be. When the tension had drained out of the situation, he would have to convince Mathabar that resignation solved nothing. He would also have to commission Mathabar without seeming to reward insubordination. Like a *deus ex machina*, a violent earthquake shook the Valley in September 1833.³⁰ The subsequent rescue operations demanded total cooperation of the palace and the *mukhtiyar*. United in their concern for the suffering, all parties involved in the resignation issue found it easy to soften their positions. When rescue efforts were completed and rebuilding was well underway, Mathabar Singh Thapa was appointed commander of the new Singh Nath Battalion in November 1833. He was encouraged to use his personality and considerable talents of command

28 Ibid., 1834.

29 Ibid. See also Baburam Acharya, 'Bhim Sen Thapa ko Pattan'.

30 This earthquake at the end of the monsoon season was widely reported.

to develop the morale and *esprit de corps* that would make the Singh Nath an elite body of troops.³¹ The matter was still not finally settled, however, for in the *pajani* of January 1834 the troops formerly under Mathabar Singh's command refused to accept any other officer.³² Sher Jung Thapa, Bhim Sen's adopted son, was appointed commander-colonel, which gave him at least nominal command of the Sri Nath Regiment, and the matter seems to have come to rest with that appointment.³³ The damage was done, however, in that the incident called the king's attention to the army's loyalty to Bhim Sen and his lieutenants. The loyalty of the army would prove an important constraint on the freedom of the king's actions, and he would eventually have to take steps to re-direct that loyalty to the crown where it belonged.

For a brief three years after these events, 1834 through 1836, a great calm settled on the political scene in Kathmandu. There were very important events being shaped behind the scenes, which we shall consider later, but in the public eye a very orderly accommodation was taking place between King Rajendra Bikram and Bhim Sen Thapa, and it seemed that the transfer of power could be arranged without any great disruption in the administration. There were, however, unhealthy signs of the turmoil soon to grip the capital. After almost twenty years of rigid control of appointments, the period 1832-33 had seen Bhim Sen Thapa confer important new commissions on three of his close relatives. Until this time, Bhim Sen had successfully controlled events in the capital without being too obvious in the special treatment he accorded to those relatives on whom he was forced to rely. Now there was an open use of patronage to secure the continued cooperation of relatives who had proved fractious, and the precedent was unhealthy. There were definite signs that Bhim Sen was beginning to falter in his manipulation of the administration and of the palace. Kathmandu, always alive to such nuances in the shift of real power, began to react.

31 Chittaranjan Nepali, *Bhim Sen Thapa*, p. 44, says that the Singh Nath Regiment was formed for Bhim Sen Thapa's protection. One wonders how one regiment would protect him and from what. In his effort to fit the origin of the Singh Nath Regiment into his explanation, Chittaranjan Nepali has clearly lost track of the political realities in the Kathmandu durbar in the mid 1830s.

32 Tickell, *Events in Nepal*, 1833.

33 Baburam Acharya, 'Bhim Sen Thapa ko Pattan', p. 119.

At first slowly; later with gathering intensity. But no one could possibly have suspected at this time the dramatic changes that were so soon to take place.

In 1834, after refusing to face the issue for years, Bhim Sen Thapa agreed with Hodgson to a new commercial treaty. Discussions on the terms of the treaty were completed in November of 1834, and the draft of the treaty was sent off to the governor general for his comments and action. Hodgson felt he had achieved a great deal. Simultaneously, he and the *mukhtiyar* had been discussing various aspects of the extradition problem, and it looked like the resident might satisfy some of his objectives in this direction also. In the afterglow of these more friendly and cooperative discussions there followed a period of unprecedented good-will between the *mukhtiyar* and the resident.

A minor irritant to this calm occurred in November 1834. Kazi Ekla Thop, who was based in Chainpur, carried out a police action in eastern Nepal with unwonted vigour.³⁴ The resultant shock waves excited Sikkim's suspicious and even reached the governor general. Since Bhim Sen Thapa had always maintained a strong control of his officers to prevent this sort of activity, it was assumed when the first reports of Ekla Thop's action reached Calcutta that this action had Bhim Sen Thapa's blessing. This tended to confirm Hodgson's tiresomely frequent predictions of Nepali military threats to the peace of the hills and northern India. Investigation, however, proved the reports exaggerated. Bhim Sen Thapa removed Ekla Thop from his command, promoted Mathabar Singh Thapa to the rank of lieutenant general, and posted him to the command of eastern Nepal.³⁵ This promotion was a handsome one for Mathabar Singh, since it gave him command of 3,000 men, including the Purano Gorakh, the Nayan Gorakh, the Sri Jung, and the Penthana battalions, but the appointment was to cost Bhim Sen Thapa dearly. It removed the last of his closely trusted relatives from Kathmandu. Sher Jung Thapa was still with him, but he was very inexperienced in the inner workings of the court. Surat

³⁴ Tickell, *Events in Nepal*, 1834.

³⁵ Ibid. Cf. Baburam Acharya, 'Bhim Sen Thapa ko Pattan', p. 119. Baburam associates this appointment with the creation of the Singh Nath Regiment, but the chronology will not quite fit this.

Singh Thapa was a competent man, but was not a close relative. For those in Kathmandu whose political antennae were attuned to such changes, this was another sign that the time for action was approaching.

In June 1834, lightning struck the powder magazine in Kathmandu Valley. Almost eighty tons of gunpowder went off in an explosion that shook the Valley.³⁶ Thirteen workmen were killed and another fifteen wounded. This, plus the earthquake of the previous year, were taken as omens predicting dire consequences for the state. The Brahman community, long estranged from Bhim Sen Thapa,³⁷ could not allow such signs to pass unnoticed. The impact of this rumour on Bhim Sen Thapa's career cannot be assessed today, but the omens were exploited, and they would have their influence in the days ahead.

For the time, however, all this was academic. In early 1835, the governor general replied to the proposed commercial treaty.³⁸ The administration in Calcutta found the treaty unacceptable. The governor general, moreover, unilaterally extended to Nepal complete immunity from Indian customs charges. He hoped, of course, that Bhim Sen Thapa would return the favour by removing customs duties on imports into Nepal from India, but Nepal remained free. This was a real setback for Hodgson and a victory for Bhim Sen. For the time it looked as if the *mukhtiyar* still had his old magic in dealing with the British, and the king was inclined to look upon him with fresh appreciation. But the victory was illusory. Hodgson refused to let it stand, and the day was not far off when he could spike Bhim Sen's reputation as a master of Nepal-Company relations.

Meanwhile, military unrest was becoming more apparent. To counteract this, King Rajendra Bikram appointed Bhim Sen Thapa commander-in-chief of the armed forces.³⁹ In his letter of appointment, the king reviewed with appreciation Bhim Sen's long service to the state and crown and indicated satisfaction with his performance as

36 Tickell, *Events in Nepal*, 1834.

37 Bhim Sen Thapa has always been blamed for the confiscation of *birta* lands that followed on the scrutiny of *birta* grants initiated in 1805 by Rana Bahadur Shah, despite clear evidence to the contrary.

38 Ramakant, *Indo-Nepalese Relations: 1816-1877* (Delhi, 1968), pp. 125-26.

39 This letter has been published in Chittaranjan Nepali, *Bhim Sen Thapa*. pp. 245-49.

mukhtiyar. This was perhaps the peak of Bhim Sen Thapa's prestige during these transition years, although it proved to be the last such encomium he would receive.

On the basis of the success he enjoyed at the moment, Bhim Sen decided to send a mission to Calcutta and from there to England. Whatever his ultimate motives might have been, Hodgson's intervention rendered them futile. The resident wrote to the governor general that the *mukhtiyar* entertained the hope of negotiating directly with the king of England.⁴⁰ He recommended that the mission be allowed to proceed to England but only in a private capacity. The governor general accepted his resident's evaluation and decided accordingly.

Bhim Sen Thapa knew nothing of this decision. He made elaborate plans for the mission and designated Mathabar Singh Thapa to lead it. Mathabar Singh went off to Calcutta on 27 November 1835 with a splendid retinue of over six hundred picked soldiers and some twenty officers.⁴¹ In Calcutta he learned that the mission to England had been scaled down to a private visit. He never went, but remained in Calcutta until March of the following year. Partisan commentary made much of his extravagant expenditures and lavish entertainment during this stay in Calcutta. It was said with a fair amount of indignation that he spent a hundred and fifty thousand rupees in Calcutta on this 'pointless mission.'⁴² This sum, considered incontrovertible proof of Mathabar Singh's high style of living in Calcutta, averages out of just over two rupees a day per man. Whether this was extravagant or not, Mathabar Singh's mission was considered an expensive fiasco in Kathmandu.

Phase II—Political Maneuver

Mathabar Singh Thapa returned from Calcutta in March 1836.⁴³ His quiet return contrasted strikingly with the fanfare of his departure. The mission was a failure, and everyone knew it. Bhim Sen Thapa, who

⁴⁰ Foreign Political Consultation, 21 December 1835, No. 29.

⁴¹ Tickell, *Events in Nepal*, 1835.

⁴² Baburam Acharya, 'Bhim Sen Thapa ko Pattan', p. 119.

⁴³ *Ibid.*, p. 120; see also Tickell, *Events in Nepal*, 1836, who states that the mission returned on 28 March.

only shortly before had basked in the aura of his success in the trade talks, was now seen stripped of his special magic with the governor general. The *mukhtiyar* showed his pique at this reversal of fortune immediately. He discontinued all talk of a trade treaty; he dropped the discussions on the extradition of criminals; and he renewed his petty harassment of the residency.⁴⁴ It was a very poor performance. Hodgson had scored off him, and it rankled. The smallness of Bhim Sen's reaction indicated that the pressure of events was robbing him of flexibility and imagination in his approach to problems even in diplomacy which had been so obviously his forte.

In 1835, the emoluments of senior military officers became an issue. A year earlier, Mathabar Singh Thapa had suggested that land grants made to *Khas* officers should be revoked, since, strictly speaking, only Brahmans were entitled to such lands.⁴⁵ In 1834 this had seemed a betrayal of military interests, but Mathabar Singh's suggestion was sound intuition. The Brahman community had long harboured a deep resentment over the confiscation of their lands in 1805-6, when Rana Bahadur and Bhim Sen Thapa had enforced the land-grant laws.⁴⁶ Nor were the Brahmans alone in their dismay at the landed wealth of leading officers. During the silent years, when new *birta* grants were few, the *birta* lands held by the military elite invited criticism. In 1836 King Rajendra intervened by asking Ranganath Pandit to investigate military emoluments.⁴⁷ Ranganath was able to trim an estimated 1.4 million rupees from the military budget. The durbar immediately used some of this revenue to finance a new military battalion, the Hanuman Dal, who were assigned directly to the palace. Despite widespread belief that this was an imitation of Bhim Sen Thapa's Singh Nath Battalion, the king's move had much graver implications. He was clearly

44 Ramakant, *Indo-Nepalese Relations*, pp. 130-32.

45 Tickell, *Events in Nepal*, 1834.

46 Mahesh C. Regmi, *Land Tenure and Taxation in Nepal* (Berkeley, 1963-68), 2: 88-91, gives a detailed treatment of this affair.

47 Tickell, *Events in Nepal*, 1836, mentions the figure fourteen lakhs of rupees (1.4 million); Baburam Acharya, 'Bhim Sen Thapa ko Pattan', mentions that Ranganath Pandit carried out this investigation. This, however was much more than a one-man affair, and there is evidence that the investigation itself concerned fringe benefits and extra pay rather than basic emoluments.

concerned about the troops' personal loyalty to Mathabar Singh Thapa in 1833 and again in the *pajani* of 1834.⁴⁸

The cutback in military emoluments also had serious implications for Bhim Sen Thapa's position. In 1817–18 Bhim Sen Thapa had used the military to strengthen his position in the durbar. The officers supported him, but they expected him to protect their interests. For eighteen years he had done this faithfully, to the detriment of the economy and the well-being of village Nepal. For the military, this sudden cutting into their emoluments and privileges could only mean that Bhim Sen Thapa was no longer able to defend their interests. The signs of Bhim Sen's decreasing control of the situation were becoming stronger. Men long loyal to the *mukhtiyar* now began to realize that their loyalty to the *mukhtiyar* was no guarantee of their future security and that they need no longer submit to the long-standing stagnation of appointments. A clever man could move up. Just when to break with the past was a problem. Such a break was not easy. At the same time, concern for their own and their family's security and prestige forced them to face the question seriously. If Bhim Sen Thapa was *going*, who was *coming* into power? When would it be safe to make an open break? A man as highly placed as Rana Bir Singh Thapa had made his move too early, and had ended in a comfortable command that was so far removed from the centre of power as to eliminate him from any real share in the power that it was becoming increasingly evident Bhim Sen Thapa must soon relinquish. Acute tension ruled, and the injection of an irrational element into the events of this second phase of the transfer of power heightened the sense of insecurity and unease that increasingly dominated Kathmandu.

Phase III—Behind the Scenes

At the very time the officers of the durbar were re-assessing their political loyalties, another series of maneuvers was taking place behind the scenes. These secret moves fit no rational political pattern. They originated from strong emotional reactions that people who were not directly involved in the transfer of power felt towards Bhim Sen Thapa. Irrational or not, however, they forced their way into the normal se-

⁴⁸ Tickell, *Events in Nepal*, 1836.

quence of events and made the political situation in Kathmandu both uncontrollable and unpredictable. As a result, insecurity, fear, frustration, and ambition fed on one another to produce the Kot Massacre of 1846, the most shameful page in the history of Nepal.⁴⁹ Long before Nepal reached that point, however, Bhim Sen Thapa himself would be beaten down and crushed.

Samrajya Laxmi, the senior queen, provides the key to these behind-the-scene events. She found a willing ally in Rana Jung Pande and, with him, determined to remove Bhim Sen Thapa from power.⁵⁰ The situation the queen exploited was not, of course, of her making. It had been prepared through thirty years of Bhim Sen Thapa's administration. This explains why her efforts produced results far beyond anything she intended. There were too many people whose lives and fortunes were bound up with Bhim Sen Thapa's to permit an orderly transfer of power if he were toppled from his post. The queen, in her determined efforts to remove Bhim Sen, never considered the wider implications of her actions. As a result, she brought about the very situation Hodgson had feared and denied King Rajendra Bikram a peaceful assumption of power. The queen's efforts can only be called irrational. They had their origins in an irrational opposition to a man who still claimed the support of the king of Nepal; they led to an irrational support of a man who was himself distrusted and suspect; and they destroyed the peace, harmony, and trust of the durbar and the administration. Bhim Sen Thapa was destroyed, as were many members of the court. In the process, the hopes of the royal family were crushed for years to come.

It all began back in 1832, when Bhim Sen Thapa thwarted Samrajya Laxmi Devi's move to control the official seal and the administration. Her failure led to the removal of Rana Bir Singh Thapa from the palace. There was then no one whom she knew well enough to trust in her efforts to obtain a wider measure of actual power for her husband, King Rajendra Bikram, and thereby for herself. As the events of 1833,

49 The Kot massacre is not treated directly in this study, since it took place after the silent years. It is, however, one of the landmarks of Nepali history and has been treated at length in a great many studies.

50 Chittaranjan Nepali, *Bhim Sen Thapa*, pp. 38-39.

1834, and 1835 unrolled, she saw more and more clearly that the king was moving towards an accommodation with Bhim Sen Thapa that would mean a very slow transfer of power. This rankled. Unlike King Rajendra Bikram, who was aware of the intricacies of administration, Samrajya Laxmi saw only the more obvious aspects of rule. Patronage was power. It was a way to win friends, to reward the loyal, and to achieve a position of real importance in the state. When King Rajendra Bikram chose to support Bhim Sen Thapa rather than Rana Bir Singh Thapa and then later went on to declare Bhim Sen Thapa his commander-in-chief (gratuitously it seemed to her), she had to search for an ally to help her manage the transfer of power without Rajendra's help. The person she chose was Rana Jung Pande.

Having chosen an ally, the queen had to decide on a line of attack. Three broad options were open to her: she could convince King Rajendra that he must set aside Bhim Sen Thapa and rule that country himself; she could find some way to destroy Bhim Sen Thapa's political pretensions, on the assumption that if she could really discredit the *mukhtiyar*, Rajendra would be forced to dismiss him; or she could persuade Rajendra that he should abdicate in favour of her eldest son, which would give to her the powers of the regency and control over Bhim Sen Thapa and the state.

It was clear even to Samrajya Laxmi that the first option was unrealistic. Rajendra had moved steadily towards an accommodation with Bhim Sen Thapa and was unlikely to change this direction without a substantial change in the situation in Kathmandu. The second option was more attractive, but she would have to find some way to discredit Bhim Sen in such a way that even Rajendra would see that the good of the administration required a change. As events unfolded, however, it was the third option that finally won her attention in the last years of her life (she died in 1841), and it was this that was to prove the cause of so much confusion and tension in Kathmandu political circles.

Samrajya Laxmi's choice of Rana Jung Pande as her ally in this venture was typical of the whole exercise. She could hardly have chosen a more unsuitable person. True, Rana Jung was a grandson of Kalu Pande, one of Prithvinarayan Shah's closest advisers. Kalu Pande's advice had helped Prithvinarayan Shah organize the first battles of the

conquest that led to the unification of Nepal, and he had saved Prithvinarayan Shah from what seemed sure defeat at Belkot in 1744.⁵¹ Kalu Pande's death in the first battle of Kirtipur had been a terrible loss for Prithvinarayan, and he thought that without Kalu Pande the whole campaign might fail.⁵² This trust was remembered, and in Prithvinarayan Shah's final instructions to his family and the officers of the court, Prithvinarayan had directed that Kalu Pande's family be given the care of Nepal's relations with Tibet.⁵³ Later, Kalu's son Damodar was one of the leaders in the Gorkhali invasions of Tibet in 1789 and 1791, and he fought heroically to block the Chinese advance towards Kathmandu Valley in 1792.⁵⁴ Until 1800 the Pande family had been held in the highest esteem by the kings of Nepal. In that year, however, Damodar became one of the leaders who opposed Rana Bahadur Shah, the ex-king, and rallied the army around the infant king, Girbana Yudha Bikram Shah. Their action forced Rana Bahadur to leave Nepal and settle in Banaras. In 1801 Damodar had strongly supported a treaty with the East India Company, according to the terms of which Rana Bahadur Shah was kept in Banaras under close surveillance and Kathmandu accepted a British resident. When the governor general abrogated this treaty in 1804 and Rana Bahadur Shah returned to Kathmandu, Damodar Pande was made to carry the lion's share of the blame for these events and for the treaty itself. Shortly after Rana Bahadur's return to the Valley, Damodar was put to death, the family lands were confiscated, and Rana Jung and his brothers were exiled. All through this period, Bhim Sen Thapa had been Rana Bahadur Shah's most trusted adviser. Although Bhim Sen Thapa later allowed the Pandes to return to Kathmandu and gave several of them commissions in

51 Samsodhan Mandal, ed., 'Bhasha Vamsavali', *Sri Panch Prithvinarayan Shah ko Upadesh* (Kathmandu, 2025 B. S.), 2: 735-40.

52 Letter of Prithvinarayan Shah to Ram Krishna Kunwar, dated 4 Aswin 1829 B. S. (*Purnima* calculation), September 1772, published in Samsodhan Mandal, *Prithvinarayan Shah ko Upadesh*, 3: 1095-97.

53 Prithvinarayan Shah, *Dibya Upadesh*, ed. Yogi Nar Hari Nath (Kathmandu 2016 B.S.), pp. 14-15.

54 A letter of Rana Bahadur Shah to the army commanders in west Nepal, giving full details of the 1792 Chinese invasion of Nepal. The letter is dated 1849 B.S., Kartik, badi 7, roj 1, and is contained in *Sandhi-Patra Sangraha* (Kathmandu, 2022 B.S.), pp. 17-20.

the army,⁵⁵ Rana Jung never forgave him. Rana Jang was determined to avenge the treatment that had been given his father, to recover the family lands, and also to regain the favoured position that had been his family's in Tibetan affairs. Rana Jung Pande, however, was a man without strong support in the army and the *bharadari*. His abiding resentment of the injustices he felt he and his family had suffered prevented him from ever forming those strong bonds of camaraderie that are characteristic of good military leaders. He was an unstable man whom few could trust. He was also a man whom subsequent events were to prove had no great love for either the nation or the military.⁵⁶ A vengeful spirit and ambition would hardly recommend Rana Jung as a trustworthy ally to anyone except one who was also tainted with the same attitudes. However, Samrajya Laxmi chose Rana Jung, and he accepted.

Samrajya Laxmi's programme required her to establish Rana Jung as a credible alternative to Bhim Sen Thapa. The first step in this programme was Rana Jung's request in November 1834 for the restoration of the Pande lands.⁵⁷ To the surprise of many, the king received this request favourably, though he took no immediate action on it. Soon after this, Rana Jung wrote to the Chinese *amban* in Lhasa urging his family's traditional ties with Tibet and asking for the *amban's* intercession with the Kathmandu durbar.⁵⁸ The *amban* then wrote to the king asking that the king himself (not Bhim Sen Thapa) nominate the leader of the next quinquennial mission to Peking and suggesting strongly that Rana Jung Pande be chosen for this. The king did indeed take this task to himself, but he passed over Rana Jung in favour of Chautariya Pushkar Shah for the assignment. In 1836 Rana Jung

55 Bhim Sen Thapa's letter instructing Nepali troops to permit the Pande brothers to return to Nepal is published in Chittaranjan Nepali, *Bhim Sen Thapa*, p. 36. Karbir Pande, Ranadal Pande, and Rana Jung Pande were three sons of Damodar Pande who held office under Bhim Sen Thapa. Karbir Pande was a captain almost continuously from 1818 until he was promoted to higher posts towards the end of Bhim Sen Thapa's career. Ranadal Pande was a captain from 1823 onwards. Rana Jung was a *sardar* from 1817 to 1821 at least, and a captain from 1824 to 1835. Bhim Sen Thapa Documents: survey.

56 The various sources are uniformly in agreement in this assessment.

57 Tickell, *Events in Nepal*, 1834.

58 This letter is published in Chittaranjan Nepali, *Bhim Sen Thapa*, pp. 276-78.

was the author of scurrilous attacks on Mathabar Singh Thapa that led to that officer's leaving the durbar and returning to Gorkha, where Bhim Sen Thapa posted him as governor.⁵⁹ Rana Jung was then given Mathabar Singh's command of the four battalions which made up the military complement of eastern Nepal. Rana Jung accepted the commission but stayed in Kathmandu to be of greater service to Samrajya Laxmi and their mutual plans.⁶⁰ As the year 1836 ended, Samrajya Laxmi and Rana Jung were drawing closer to their first objective. They wanted King Rajendra to take the *pajani* into his own hands as a first step to reducing Bham Sen Thapa's real power. Once this was achieved, they would be able to press the king to promote their own favourites to key positions and thus reduce even the normal administrative powers that Bhim Sen exercised.

This was a dangerous programme. To succeed, Samrajya Laxmi and Rana Jung must promote those whose support they sought, regardless of seniority and position. This, of course, meant by-passing for promotion officers who had put in years of service in the hope of moving up the promotion ladder. It implied, moreover, that the road to the top lay through favouritism and flattery rather than through competent and faithful service. Bhim Sen Thapa's promotion of Rana Bir Singh Thapa, Mathabar Singh Thapa, and Sher Jung Thapa to choice posts in 1833 and 1834 had aroused the resentment of the officer corps. This programme Samrajya Laxmi and Rana Jung were pursuing, if successful, would not only increase that resentment but also set up a rivalry for preferment that could easily become vicious. The officer corps knew very well what was going on behind the scenes at this time in Kathmandu, but for the time prudent men looked to their own security. As a result, when the attack came on Bhim Sen Thapa and the system, they were in no position to help themselves. Many of them would be caught up in the same maelstrom to find their own careers destroyed and their lives sacrificed to the untrammelled ambition that was soon to rule the durbar and the *bharadari*.

59 Tickell, *Events in Nepal, 1836*; see also Baburam Acharya, 'Bhim Sen Thapa ko Pattan', p. 120.

60 Baburam Acharya, 'Bhim Sen Thapa ko Pattan', p. 121.

C. THE DOWNFALL OF BHIM SEN THAPA

The *pajani* took place as usual in February 1837.⁶¹ The most noteworthy change in the appointments made at this time was the appointment of Rana Jung Pande as one of the *kazis*. For the present, he was kept at court, but he retained his commission as commander of the Nepali forces in eastern Nepal. With Rana Jung taking care of palace affairs, it became much more difficult for Bhim Sen Thapa to maintain his influence inside the palace.

In early July the king announced a second *pajani*, and this one was a complete break with the practices of the past thirty years. Normally the king (or the regent) personally reappointed only his chief ministers, and they in turn continued the *pajani* through the ranks of the army and the administration. This was not the case in July 1837. The king made quite a point of notifying his friends that he personally had assigned all the officers of the army on this occasion.⁶² Few dramatic changes were noted, and the *pajani* itself was only a statement of the king's resumption of this most important royal prerogative. The king did, however, order that in the future junior officers and other military ranks should not attend upon the senior officers as had formerly been their custom.⁶³ In one stroke the king radically reduced the powers of the *mukhtiyar* and limited his control of the army. At almost the same time, Rana Jung Pande was reinstated in possession of his family lands, and his brother Rana Dal Pande was made a *kazi*.⁶⁴ A second brother, Karbir Pande, had been a *kazi* for the past year.⁶⁵ Before the members of the administration could adjust to these new realities, a second event took place that turned their world upside down.

1. Dismissal

A few weeks after the king's *pajani*, his youngest son, Debendra,

61 Tickell, *Events in Nepal*, 1837.

62 Letter of Rajendra Bikram Shah, dated 1894 B.S., Srawan (July 1837), published in Chittaranjan Nepali, *Bhim Sen Thapa*, p. 278.

63 Tickell, *Events in Nepal*, 1837.

64 Ibid. (confirmed by survey).

65 Ibid. (confirmed by survey).

died suddenly.⁶⁶ Almost immediately Bhim Sen Thapa was accused of being responsible for poisoning the boy. At Samrajya Laxmi's strong insistence the *mukhtiyar* was stripped of his office and his lands and put in chains, as were Mathabar Singh Thapa and Sher Jung Thapa.⁶⁷ The rest of Bhim Sen's family were placed under close arrest in their homes. Rana Jung Pande was given the powers of the *mukhtiyar*.

The reaction to this double blow, the fall of Bhim Sen from power and the elevation of Rana Jung, was very strong. Members of the royal family, some of the *chautariyas*, and *bharadars* immediately began to urge the king to remove Rana Jung Pande from that office. The residency reports indicate that Samrajya Laxmi realised she had gone too far too rapidly at this time, and actually supported Chautariya Jyan Shah's appeal that he be made *mukhtiyar* in place of Rana Jung.⁶⁸ This group also strongly urged the release of Bhim Sen Thapa from prison. Rana Jung Pande was, in fact, removed from his post, and shortly thereafter Ranganath Pandit was installed as *mukhtiyar*.

One of the first acts that the new *mukhtiyar* performed was to arrange the release of Bhim Sen Thapa.⁶⁹ He secured an audience for the old man, who was received at court by King Rajendra Bikram and both of his queens, pardoned, and sent home with honours. Crowds of people and soldiers followed him home in felicitation. Mathabar Singh Thapa and Sher Jung Thapa were given similar treatment at the durbar, and huge crowds of soldiers accompanied them to their home. At this time Bhim Sen Thapa's garden house was restored to him, but only a fraction of his former lands were returned.⁷⁰ More ominously, he was pardoned, but no mention was made of the fact that there had been no basis for the charge on which he had been dismissed from office and imprisoned.

66 The letter announcing the death of the prince is published in Chittaranjan Nepali, *Bhim Sen Thapa*, p. 278.

67 Tickell's account mentions the removal of Bhim Sen Thapa, but says nothing about Samrajya Laxmi's role in this. Chittaranjan Nepali, however, and Baburam Acharya both mention her involvement.

68 Tickell, *Events in Nepal*, 1837.

69 Ibid.

70 Chittaranjan Nepali, *Bhim Sen Thapa*, p. 282, reproduces the letter restoring these lands to Bhim Sen Thapa.

Rana Jung Pande was, of course, stunned at the sudden reversal of events. For a short time it seemed that he had achieved the success he ambioned. Now it appeared that this had all been a cruel play. Bhim Sen Thapa had not been restored to office, but his prestige was again on the increase and he attended on the king personally at all official functions.⁷¹ Rana Jung's own fortunes had not been substantially improved, and his short tenure of the *mukhtiyari* had perhaps hurt his chances more than helped them. With these thoughts in mind he approached the king for permission to leave Kathmandu for the Tarai.⁷² But the king persuaded him to remain in Kathmandu and held out to him some hope of present remuneration and future employment in the administration. Quite possibly the king felt it would be useful to have someone like Rana Jung Pande close at hand as a counter-balance to the Thapas in the administration. In any event, Rana Jung stayed on in Kathmandu and bided his time.

Thus it was that while Bhim Sen Thapa was really unable to do anything to save himself either from his present condition or possible future persecution, Rana Jung was able to further cultivate Samrajya Laxmi's interest. In the January 1838 *pajani* he was rewarded for his efforts by being named commander of the armed forces.⁷³ At the same time his brother, Karbir Pande, was named *kapardar* and made an intimate of the palace.⁷⁴ Ranganath Pandit, on the other hand, was steadily losing popularity. His suggested reforms and retrenchments of military emoluments now came home to rest, and the troops correctly identified the *mukhtiyar* with this very unpopular policy. His days as *mukhtiyar* were obviously numbered, and it only remained to be seen how long he would be able to retain his office and who would replace him.

At about this time almost one hundred officers and men of the Singh Nath Battalion resigned.⁷⁵ They called themselves private followers of Mathabar Singh Thapa and constantly attended upon him.

71 Tickell, *Events in Nepal*, 1837 and 1838.

72 Ibid., 1837.

73 Ibid., 1838.

74 Kapardar: strictly, the keeper of the royal wardrobe. Actually an intimate adviser of the king, responsible for the king's affairs and possessions.

75 Tickell, *Events in Nepal*, 1838.

Many off-roll soldiers did the same, and it was quite clear that Mathabar Singh's popularity with the military, as well as that of Bhim Sen Thapa himself, had not in the least abated.

2. Samrajya Laxmi Increases the Pressure

In February of this year, 1838, Samrajya Laxmi increased the pressure on King Rajendra Bikram and hastened the irrational process that led first to Bhim Sen Thapa's death and then eventually to the Kot Massacre in 1846. Samrajya Laxmi had finally decided that Rana Jung must be the *mukhtiyar*, and she also firmly set her will on the third of her three options, that Rajendra must abdicate in favour of her son.⁷⁶ Nothing less would satisfy her. Rajendra, she decided, was not sufficiently detached from the people of the court and was too soft ever to be able to carry out the measures that were imperative if he intended to rule as king. He had softened on Bhim Sen Thapa and done much to restore him to favour, if not to his position. When Rana Jung Pande had shown that the turn of events had disheartened him, the king had gone out of his way to console him and even to promise him things that the queen knew Rajendra did not want to give him and certainly never intended to promise. The king seemed to be too sympathetic to be able to cut and cauterize with the objectivity that good administration needed. This perception was probably true and indicated that perhaps the king would need a strong *mukhtiyar* or *chautariya* to assist him in the administration. But Samrajya Laxmi was herself not objective enough in her thinking to see that any solution to this problem must lie within the recognized structures of the state. Instead, her thoughts went back over the years, perhaps with some prodding from Rana Jung Pande, to the situation that had existed in Nepal in 1798 and 1799,⁷⁷ and she seized upon the solution of having the king abdicate in favour of her son. This would make her the regent, and she would then be able to oversee the affairs of state with the acumen that she was convinced she had.

⁷⁶ Ibid. Chittaranjan Nepali's account of these events in his *Bhim Sen Thapa* is very brief, but there is nothing in it that contradicts the residency reports on the main items of intelligence.

⁷⁷ Stiller, *Gorkha*, pp. 295-301.

Once this idea possessed her, she played upon Rajendra's sympathetic nature in every possible way to try to force the issue. She left the palace and took up residence at Pashupati,⁷⁸ not out of any special devotion to Pashupati Nath, but to force the king to come to her and to accede to her wishes. Her psychology was good, as far as it went, but she did not really know the king as well as she thought she did. He did come to her. Daily. He brought with him large numbers of the court. He talked to her and cajoled her in an effort to get her to return to the palace. But he did not yield. When Ranganath Pandit finally resigned from the *mukhtiyari*, it was Chautariya Pushkar Shah whom the king appointed *mukhtiyar*.⁷⁹ The farthest Rajendra would go to accommodate Samrajya Laxmi was to designate her favourite, Rana Jung Pande, as Pushkar Shah's number two man. But experience had taught him that the *bharadari* would not support Rana Jung Pande as the *mukhtiyar*, and his own judgment, despite an overly sympathetic nature, refused to allow him at this time to go to such an extreme even to satisfy the demands of his queen.

During this confusion Mathabar Singh Thapa asked for and received permission to go to the Tarai to hunt.⁸⁰ Once free of Kathmandu Valley he continued on through the Tarai to India, with the intention of going to Lahore to join Ranjit Singh, with whose army a number of Gorkhali officers had found employment. On the way he was intercepted by the Company's forces and for a while interned. But

78 Tickell, *Events in Nepal*, 1838.

79 Both Chittaranjan Nepali, *Bhim Sen Thapa*, p. 62, and Tickell, *Events in Nepal*, 1838, mention that Chautariya Pushkar Shah and Rana Jung Pande shared the *mukhtiyari* at this time. Pushkar Shah was the king's man, and there is no doubt that he was in command at this time.

80 Chittaranjan Nepali, *Bhim Sen Thapa*, pp. 61–62, says that Mathabar Singh was actually *sent* to Lahore by King Rajendra Bikram Shah, and cites a letter of Rajendra to Mathabar Singh Thapa (published in *Itihas Prakash*, No.1: 41–46) in support of this. It makes very little difference to the interpretation of events. If Mathabar Singh was sent to the court of Lahore, nothing came of it. Even more important, he would never have succeeded in getting out of Kathmandu unless there were some simple pretext for his going. Apparently, as the residency papers suggest, that pretext was to hunt elephants. Hodgson's sources were too active at this time to have missed such a point. Whether the pretext was intended to fool Hodgson or Rana Jung Pande (or both of them) makes little difference to the account as given here.

by the end of 1838 he was released.⁸¹ His action was quite enough to stir up many old fears in the Kathmandu durbar. It had long been a deeply held suspicion that the British would one day champion just such a leader and use his cause as an excuse to invade Nepal. This had been the overriding fear that had led the ministers of government to conclude with the Company the treaty of October 1801.⁸² To some extent it had its origins in the knowledge the Nepali court had of various activities of the Company in India. But the real basis for this fear lay in Nepal's own history, where the Gorkhalis had made just such use of dissidents in the Gorkhali westward expansion, especially in the conquest of Doti and Kumaon.⁸³ The very presence of Mathabar Singh Thapa in India acted as a brake for a time on the headlong rush of events that was leading to a macabre ending at the *Kot*.

Rumours of British troop movements in northern India persisted throughout the autumn of 1838, and these tended to keep alive the suspicions that agitated the durbar.⁸⁴ Nepalese troops were sent out of the Valley to reinforce the border outposts, and in the process Bhim Sen Thapa's military support in the Valley was weakened. Meanwhile, internal events were already taking shape that would bring the final act of Bhim Sen Thapa's life and the Bhim Sen Thapa era to a cruel close.

3. Economy and Anti-Corruption

Over the years, the farmers of village Nepal were not the only ones who had felt the financial burden of supporting the army. The size of the army and the *jagir* system had combined to restrict the flow

81 Tickell, *Events in Nepal*, 1838.

82 Ludwig F. Stiller, S. J., 'The Role of Fear in the Unification of Nepal', *Contributions to Nepalese Studies*, 1 (June 1974): 81-83.

83 Stiller, *Gorkha*, pp. 187-92.

84 There is no indication in the records that there was any substantial movement of the Company's troops along the Nepal border at this time, and, in fact, this was directly counter to the position that the governor general took in a letter to the Court of Directors (Foreign Consultation 15 October 1838, No. 23, dated the same day). However, during 1838 there had been a surprising amount of correspondence between the various native courts and Kathmandu, and it is quite possible that the Kathmandu durbar was on the alert for any sign of British troop movements along the border. In any event, residency reports mention this concern in the durbar, and Tickell records it in his *Events in Nepal*, 1838.

of cash throughout the kingdom, and not even the palace was free of this constraint. As a rule, government revenues were committed to fixed expenditures, so that there was little surplus and little freedom in the allocation of funds. When the move for economies had first begun in 1836, the resources saved from the military payrolls had been immediately used to expand the military by the establishment of the Hanuman Dal Battalion. No one had really considered the lot of the villager in this maneuvering, and such economies as Ranganath Pandit had made were aimed more at reducing the prerogatives of the higher ranks of the *bharadari* than relieving the burdens on village Nepal. The economies, however, pleased the king because they gave him a free disposition of revenues. It was Rana Jung Pande who saw the value of these economies as a political tool. In January 1839 he resigned his lands, which had but recently been restored to him, and urged all of the *bharadars* to do the same.⁸⁵ The administration then went off at full career, trying to root out the offenses that had led to family enrichment, of which there were no doubt many. As experience has frequently proved, abuses and official prerogatives tend to multiply whenever an administration is securely in office over an extended period of time. Rana Jung had found a sure political weapon in this measure, but a dangerous one. There were few families whose hands were completely clean. But there were even fewer records by which real corruption could be proved. Action could be taken in almost any direction with a fair degree of certitude that there was some guilt. At the same time, any action that was taken contained a very arbitrary element that added enormously to the tension that had gripped the *bharadari* since the stunning sequence of events in July 1837. Fines were imposed, often quite substantial, with little more in the way of proof than the mere statement that misdeeds had taken place.⁸⁶ This increasing arbitrariness of the administration constituted a direct threat to the *bharadari's* sense of security. Coming hard on the heels of so many years of political stagnation, it proved a traumatic experience for all of them.

Could Rana Jung Pande have been motivated in this course by

85 Tickell, *Events in Nepal*, 1839.

86 *Ibid.*

a sincere desire for reform? If so, he deserves a higher place in the memory of Nepal than history has accorded him. Most probably, however, his actions were politically motivated. The effects of his move were not felt among the villagers, where relief was needed. Even the financial returns to government were slight. Some members of the upper classes were made to suffer, but no change was made in the system that had encouraged these abuses. And lastly, but perhaps most tellingly, most of the men affected had shown themselves hostile to him during the very few months when he had exercised the powers of the *mukhtiyar*. Even if Rana Jung is given the benefit of a doubt, and we conclude that time alone prevented his move from having its proper effect on the quality of life in the villages, it would only give him credit for his good intentions. Historically, the difference between a reformer who cannot carry his reforms to a conclusion and a political trouble-maker is very, very slight. It is not enough to begin with a reformer's zeal and wreak havoc on social structures. One must go on to a successful restructuring of society, or the last state of society is worse than the first. Ultimately we can only judge by the results. Rana Jung's activity led not to an easing of the burdens on village Nepal but to fear, to heightened tension, greater insecurity, and profound distrust among the *bharadari*. As this fear grew and spread, it became more and more imperative to dissipate it and to find some way to reassure the *bharadars*, or one day all of this must explode in a radical restructuring of the upper classes. Nothing that Rana Jung did in the next few years, and certainly none of his activities in the next few months, was designed to release these fears in a healthy way. On the contrary, every single step led to a more disturbing growth of suspicion, distrust, and tension.

4. Trial and Death

In March 1839 the charges against Bhim Sen Thapa were mysteriously revived. Once again the old *mukhtiyar* had to face the accusation that he had ordered the poisoning of the young prince.⁸⁷ In April Rana Jung Pande was named *mukhtiyar*, and it then became clear that it was he who had been agitating this case. On 18 May Bhim Sen was

87 Chittaranjan Nepali, *Bhim Sen Thapa*, pp. 62–63.

arraigned for this alleged crime.⁸⁸ Papers were produced in evidence. One, purportedly signed by one of the royal physicians, Ek Dev Baidya, claimed that back in 1816 Bhim Sen Thapa had poisoned the widow of Girbana Yuddha. She had died suddenly (and conveniently), soon after her opposition to Bhim Sen Thapa became known. Another, from the widow of Bakhtawar Singh Thapa, accused Bhim Sen of poisoning Girbana Yuddha himself, who was known by all to have died of small-pox. Still a third document, a letter from Rana Bir Singh Thapa to King Rajendra, warned the king against Bhim Sen Thapa's malpractices.⁸⁹ In reply to these accusations, the old man asked the obvious questions: 'Where was the proof of the crime for which he had been arraigned? Why had these other accusations and statements not been brought forward when he had first been dismissed from office and imprisoned?'⁹⁰ No answer to these questions is on record. There was none. No one spoke in that chamber that day either for or against the old man, except Rana Jung Pande.⁹¹ Silence weighed heavily on each *bharadar* there. The charge was baseless, but what could one say? If this could happen to Bhim Sen Thapa, what might not happen to any one of them? Rana Jung did not want to rest until a decision was made, but in time even he ran out of arguments. And silence reigned. As the silence deepened, and the agitation of the members of the court increased, the tension in the hall became almost palpable. Seven years later this same sort of atmosphere would explode in the massacre at the Kot. On this day the safety of the court depended on the king's reaction. There is no doubt at all that every move that Rajendra made at this time was totally in character. He was moved, deeply moved, by the sight of what was happening to Bhim Sen Thapa. He was also totally alive to the dangers in this situation. There, on the one hand, was the awful determination of Rana Jung to carry this trial through to a denunciation and conviction. And Rana Jung was the *mukhtiyar* of

88 Tickell, *Events in Nepal*, 1839.

89 Ibid.

90 Ibid. Chittaranjan Nepali, *Bhim Sen Thapa*, p. 63, passes over this trial in a few lines.

91 Tickell, *Events in Nepal*, 1839, says with dramatic understatement, '... not a voice was raised in his behalf throughout the durbar; the chiefs sat by in dejected silence....'.

the state. Around the room sat deeply disturbed *bharadars*, united in their disgust at the situation, but divided into isolated units of fear and insecurity by their suspicion and distrust. Did a declaration for Bhim Sen mean becoming a victim oneself? Was it justice for Bhim Sen or personal survival that was really at stake? Their agitation was visible, and the king had the intelligence to fear the outcome of this implacable pressure. He did the only thing he knew how to do. He intervened. He denounced Bhim Sen Thapa and ordered him out of the room in chains.⁹² And that was all. He broke the spell, and then he went back to his own apartments to wrestle with his conscience. How many pressures were subsequently put on this young king to force him to order Bhim Sen Thapa's execution, there is no way of telling. Only the knowledge that Rana Jung did not intend to give up his course now that he was so close to achieving his aims convinces us that the king was given very little time to reach a decision in peace. Rana Jung knew the king, and he knew that if it were humanly possible, Rajendra would find a way to stop short of the destruction of his former *mukhtiyar*. While this struggle of wills went on, Bhim Sen Thapa remained in close confinement. The army, on which he had so long depended, was gone. Many units of the army had been sent out of the Valley in reaction to the reports of British troop movements in the plains and also to remove them from Kathmandu during these very explosive times. He was alone with his thoughts and his fears and his memories.

When it became clear that the pressure being put on King Rajendra was not going to produce any immediate results (and the nature of this campaign against Bhim Sen Thapa required that the tempo be maintained before the opposition could regroup), pressure was applied to Bhim Sen Thapa himself. The most unseemly rumours were filtered through to him, and he in his loneliness was left to imagine the worst of them being true.⁹³ Unaccustomed to this kind of struggle, the old man's spirits sagged. He became increasingly more and more dejected. And then, with consummate cunning, he was allowed 'to find' a *khu-*

92 Ibid.

93 The accounts agree that these rumours were circulated. The rumour that seems to have led the old man to commit suicide was to the effect that Bhim Sen Thapa's wife was paraded through the streets of the city without clothes.

kari in his prison cell. The old man slashed his own throat in an attempt to take his life and end it all. The wound was mortal, but the end was not the quick release he had hoped for. With no medical assistance given him, he lingered for eight days in a painful effort to die. At last, on 28 July 1839, he passed away.⁹⁴

5. Aftermath and Evaluation

Bhim Sen Thapa's death was not the release the *bharadari* sought. Far from being a final victory for one party, it became a pledge of things yet more painful to come. The treatment given Bhim Sen's body after his death was one more irrational act that urged the durbar and the *bharadari* onwards to the massacre of the Kot.⁹⁵ King Rajendra never recovered from the effects of this moment. More than anyone else, he seems to have been aware of the forces that had been unleashed. He also seems to have understood his own nature well enough to know that there was no one whom he could truly trust to do this. Unable to control events, he became their victim. The pressures that mounted against him through the following months and years never abated until the crown was taken from his grasp and given to another.

More than Bhim Sen Thapa, King Rajendra Bikram was the symbol for Nepal during these years. Much of what had happened to Bhim Sen Thapa resulted from forces that had built up steadily throughout his long tenure as *mukhtiyar*. Were it not for the lock-step administration, the manipulating of opponents to achieve his own pur-

94 Chittaranjan Nepali, *Bhim Sen Thapa*, p. 64. prefers to follow a local rumour heard in some quarters that Bhim Sen Thapa used a piece of glass to commit suicide. He argues that it would be difficult for Bhim Sen to have come by a *khukari* in prison, whereas he might well have broken a window to get a piece of glass to commit the deed. Neither the glass nor the *khukari* is in itself a very satisfying explanation. I assume that Hodgson must have asked repeatedly for more accurate details precisely for this reason, and since he recorded that the suicide instrument was a *khukari* that had been placed there for this purpose, I am inclined to accept his statement.

95 The short statement of this inhuman action that Tickell recorded, *Events in Nepal*, 1839, is perhaps the least offensive to modern readers: 'His corpse was refused funeral rites, but dismembered and exposed about the city, after which the mangled remains were thrown away on the river side where none but the dogs and vultures dared heed them.'

poses, and the almost total lack of upward mobility with the new ideas that such mobility would have brought into the administration, there could never have been a Rana Jung Pande. He would have been no more than he really was, a small man with a few ideas and a dangerous sense of grievance long unrequited. Bhim Sen Thapa and his associates, men for the most part of Bhim Sen's own choosing, had made the decisions that had led the nation and the court to this point in time. When the explosion occurred, it was inevitable that they would be caught in the flash and blast. But Rajendra, like the people of village Nepal, was for so many years unable to cry out against the system. And when he finally found his voice on coming of age, the turmoil and struggle for power, the interplay of ambitions, and the quest for personal security drowned out his cry or distorted it beyond recognition. Whether the king wanted to stop or change the system is a question that no one will ever answer. That is part of the pathetic point: not to know what the king himself really wanted. When the cry is silent, we hear only the pain and never the message.

There are those who would like to see in this final act of Bhim Sen Thapa's life and the events that led up to the Kot Massacre of 1846 the heavy hand of Brian Hodgson.⁹⁶ They delude themselves. The events that were transpiring in Nepal were too much the product of years and years of political development in Nepal to be the result of the interference of one man, even one so influential as Brian Hodgson. Brian Hodgson, in terms of Nepali politics, was at best a gadfly. He stung the beast and he annoyed the beast. But the strength of the beast, the wilful ways, and the nerves of the beast drawn to a quivering tension were home-grown. To introduce Hodgson here as some grey eminence, who worked his own purposes behind the scenes, is to reveal a great insensitivity to the political life of Nepal.⁹⁷ It has always pleased some historians to find the solutions to all of Nepal's problems during the

96 M. S. Jain, *The Emergence of a New Aristocracy in Nepal* (Agra, 1972), has made this one of the major themes of his book.

97 The approaches to the history of Nepal that fail to begin with Nepali's own problems and tensions and the steps that Nepalese leaders took to solve these seem always to lead to some scientifically acceptable theory that explains everything neatly except the problems and tensions in the administration or the country. What, then, is their relevance?

days of the *Raj* in some quirk of the East India Company's administration. The only problems for which answers can be found there are pseudo problems that have been isolated from the mainstream of Nepalese life for academic purposes and given an importance and significance in total disproportion to the meager insight they produce. Such a procedure will never do. The problems and the solutions lie in the heart of Nepalese society. Only when we look deeply into this society do we begin to perceive the political process at work in Nepal and the stages of Nepal's true growth. The primal force in the history of Nepal was in Nepal, not in the offices of the governor general in Calcutta and certainly not in the British residency in Kathmandu.

CHAPTER TEN

THE SILENT CRY

Rudely but compellingly, every thirty or forty years, the ideas of one generation become the prison of the generation that follows. The more powerful the idea, the more confining the imprisonment.¹

The silent years were over. From 1839 until 1846 Kathmandu would know nothing but alarms, changes in ministries, increasing tension, and finally the explosive night of the Kot Massacre, the fourteenth of September 1846.² The confusion of events from 1839 to 1846, the violence of the events of 1846, and the rise of Rana power in Nepal have so intrigued historians that they have consistently skipped over the period between the end of the Nepal–East India Company war in 1816 and the Kot Massacre and rushed into an analysis of the events that led to the emergence of Jung Bahadur Rana as the leading power in Nepal.³ Lost in the rush were the years in between, the silent years.

Throughout these pages we have tried to slow this rush, to take a closer and more penetrating look at the silent years, and to show the close connection between the events and policies of the silent years and the cataclysm of the fourteenth of September 1846. In a great many different ways we have tried to encourage the silent years to speak and to yield up some of their secrets. We have found that the events of 1846 and the events of the silent years were all cut from the same cloth, and that the events of the silent years ended with such violence largely because the cry of village Nepal and the Nepali nation had gone un-

1 Theodore H. White, *The Making of the President*, 1972 (New York, 1973), p. 498.

2 M. S. Jain, *The Emergence of a New Aristocracy in Nepal* (Agra, 1972), p. 14, lists four changes of ministries in the four years between 1837 and 1841.

3 Chittaranjan Nepali, *Janaral Bhim Sen Thapa ra Tatkalin Nepal* (Kathmandu, 2013 B.S.), is one exception to this rule. His book, however, is essentially a biography of Bhim Sen Thapa and was never intended to be a history of this period. He has done great service to historians, however, by his inclusion of documents that are not easily come by in Kathmandu.

heeded. I have called this unheard cry 'the silent cry' several times in this study. The expression has not been chosen lightly. There is no other expression that reflects so well the meaning of the events that transpired in Nepal from 1816 to 1839 and none that so completely indicates the significance of those events for us today. There are, of course, ambiguities in my use of the expression 'the silent cry.' It is good that there are. There are still a great many nuances in the cry that we still have not heard today, and perhaps the very ambiguity of the expression will surprise us into hearing an echo or an overtone that until now has escaped us. These are all valuable. Every cry from the past has meaning for us today if we can only hear and understand it. Those parts of the silent cry that this author has not been able to hear will hopefully be heard by another, and in later years and later histories some new historian will explain for us the modalities of the silent cry that he has been able to discern. Until that day, it is good to set down here the parts of the silent cry that we have heard in this study.

A. THE CRY OF VILLAGE NEPAL

The cry that went up from village Nepal was a cry of pain and a cry of protest against official indifference to the lot of village Nepal. Let this statement not be misunderstood. We are not speaking here of individual protests against the regime or even about petitions filed with the government about injustices or exploitation in individual cases. It was the *situation* and *state of affairs* in village Nepal that in themselves constituted the cry, the hundreds and hundreds of little problems that came up with persistent regularity and for which there was no redress inside the system. All was not well with village Nepal, and it was this situation demanding correction and redress that constituted the silent cry. Villagers complained about their grievances. They complained about rents and taxes and justice. Their complaints are proof that the silent cry we speak of was real and that they identified with it. But the cry itself was the situation, the state of affairs, the system. A petition contained a specific complaint about a specific practice, and it could be answered with relative ease. All this could be done without the villager or the administrator ever realizing that the petition was only a symptom of a sickness in the system. An individual villager could thus go away

with a temporary solution to his problem and the administrator could send him away with the feeling that he had done his duty without either of them realizing that the solution was only temporary and that a lasting solution was impossible as long as the symptom was treated and not the disease.

The silent cry, then, was the cry of the system calling for change. The emotional content of this cry, however, was the hardship experienced by the farmers in village Nepal. In the capital, the administrators of Bhim Sen Thapa's administration sat on top of the system, manipulating it to achieve what they thought the system should produce and to satisfy their own needs. But the system itself rested on the shoulders of the farmers, who were the true producers of the wealth of the nation. This burden grew progressively heavier, and within the system there was little the farmer could do but endure. If the picture we have painted in this study is bleak, it is because the reality itself was bleak. Four points of criticism have been singled out for particular treatment: the revenue system, the judicial system, government attitudes towards trade, and government's failure to supply an adequate coinage system. These four aspects of the problem do not constitute the whole problem, nor does the individual treatment of these four points constitute an adequate statement of the problem. It was the total complexus, the interaction of these elements together and with other subsidiary aspects of the problem, that constituted the burden for village Nepal. In singling out individual aspects for special comment we run the risk of failing to see that it is the whole socio-economic fabric of village Nepal that we should be trying to bring into focus. We must run this risk in order to make any specific statement at all about the system and its problems, but we must never lose sight of the fact that revenue, coinage, trade, and justice had a cumulative impact on the village, each one aggravating the others.

At the basis of the problem was the revenue system. A transition had been made from the simple economies of the mini-states of pre-unification Nepal to a much more complex economy of an extended Himalayan state. A revenue system that worked relatively well for a small-scale economy could not be expected to work with the same facility in a much larger economy. The central administration in the

new state was in itself so much larger than the administrations of the former mini-states that it put a substantially greater burden on the economy. In addition to this, a large standing army had to be supported. From 1744 onwards, these additional expenditures were met by a constant increase in the territorial holdings of the new state. The answer to every new demand on the treasury was the acquisition of more land through conquest. In the first stages of unification it was thought that the mere addition of the normal revenues of the newly acquired territories to the assets of the treasury would be sufficient to offset the increasing costs of government. The fact that the earlier conquests contained the richest agricultural land in Nepal tended to lend credence to this idea. But as the unification process moved westward into less fertile territories, the inherent fallacy in this belief became apparent. Costs outstripped revenues. The administration then turned to the development of newly acquired virgin lands in the Tarai as a solution to the economic dilemma in which they found themselves. But the development of the virgin lands was a venture that required capital and time. The available capital would not permit a large-scale development programme in these lands, and a gradual approach to the problem of Tarai development increased the total time-span necessary for the development of the Tarai and the addition of Tarai revenues to the treasury. Meanwhile, the economic system of the mini-states that had been continued practically unchanged in the new and larger state of Nepal allowed no possibility of deficit financing. Bills were paid harvest by harvest in grain, and if more grain were needed to meet expenses, it would have to come in some way or other from the farmers of village Nepal until such time as the Tarai lands began to make good some of the deficit. The result of this process was an increased economic pressure on the farmers of village Nepal. This pressure mounted steadily as the unification process proceeded westwards.

In 1809 the westward expansion of Nepal stopped. Almost immediately, however, preparations were begun for a war with the East India Company, which Bhim Sen Thapa saw as inevitable. There was thus no decline in the economic demands being made on village Nepal. In addition to the demands made in grain, there was also a significant increase in the demand on the labour supply. Countless villagers were

pressed into service on a compulsory and unpaid basis to provide for the arsenals and even to serve as citizen soldiers to meet the new crisis of the British challenge.

The net effect of the expansion of Nepal during the unification period and the war with the East India Company was the reduction of most farmers to a subsistence level. When the westward expansion had been halted and it was therefore no longer possible to attempt to meet increased economic demands on the treasury by the addition of new territories, an attempt was made to make an adjustment in the revenue system. The old revenue system that had been based on an equal sharing of the crop between government and the tenant farmer was replaced by a contract system which assured the government of a fixed share of the crop. The reasons behind the introduction of this new system, the *kut* system, were two: the maximizing of revenues and the attempt to guarantee a fixed and reliable revenue from agricultural lands. The principal difference between the new system and the old, as far as the farmer was concerned, lay in the fact that under the old arrangement the farmer was guaranteed half of his crop, in good years or bad. In the new system the farmer paid his tax assessment first and then was free to enjoy whatever remained of his crop after the payment of taxes. A secondary effect of the new system, which in time came to have equally oppressive economic results for the farmer, was the negotiability of assessments. Under the *kut* system, farmers who were willing to pay higher rents or taxes for a particular plot of land could get it, to the disadvantage of the one who already farmed it. A tenant farmer had either to meet this competitive bid or lose his right to the land,⁴ which was already contingent on his ability to continue to pay his rents or taxes regularly. This introduced a strong inflationary curve in land values, and in the competition to retain their tenancy rights farmers bid against one another and thereby increased the total taxation burden on the village. At first sight it might seem that if the better farmers could make

⁴ We must not imagine this as a sort of annual 'auction'. Rents were normally increased by moderate steps. The tenant expressed his difficulty in meeting the increased rent when notified that his rent had been raised. Another tenant on less favoured land in the locality then went to the landlord and expressed his willingness to farm the plot at the new rate. The incumbent then had either to meet the new rate or to give up his rice lands.

those additional payments the land could surely be made to produce enough to justify increased rents. In fact, however, these increased rents could be met only during good or average years. Inevitably there were bad years, when the monsoon failed, erosion ruined a field, or landslides wiped out a field. These misfortunes made the farmer's total holding untenable, and he was frequently forced to desert the land. He had no reserves on which he could fall back during the time it took him to repair the damage to his land, and the system itself made no allowance for such times of need. Rents and taxes were simply too high to permit the farmers of village Nepal to hope for much more than subsistence-level farming.

In theory, some of this burden should have been lifted from the farmer's shoulders after the end of the Nepal–East India Company war. If the army had been scaled down to a size more consistent with peace-time conditions, a great deal of the burden on the villagers would have been removed. But for political, and what can only be described as selfish reasons, the army was not only not scaled down, it was increased in size. The economic burden on the villager was consequently prolonged and even increased.

A variation in the *kut* system that actually added to the farmer's burden was the slow conversion of taxes from in-kind to cash payments. This apparently simple shift had very severe consequences for the village economy. At the base of this change in the mode of payment was the increased sophistication of life-styles in the capital among upper echelon officers of government and the attempt to introduce greater flexibility into the revenue system. This simple change, however, did not take into consideration the fact that coins were a scarce commodity at the village level. For centuries the village had gotten along quite adequately with a minimum of monetization. There was no uniform level of monetization throughout village Nepal, and in the far western districts of Jumla and Doti there is evidence that a fair amount of coinage was used in normal transactions.⁵ But in general the village had neither a ready supply of coins nor any means of acquiring them. Throughout the whole country silver coins were in short supply and copper

⁵ M. C. Regmi, *A Study in Nepali Economic History* (New Delhi, 1971), pp. 21–22.

coins were practically non-existent.⁶ The few coins that the village did have tended to gravitate towards the larger trading centres such as Kathmandu, and there was no way within the existing economic system to re-cycle them to the village. The requirement to pay even a part of one's taxes in cash, then, meant that the farmer had to find some way to acquire coins. His options for this were extremely limited. There was no market for his grain in the immediate vicinity of the village. All villagers, with the exception of those few who provided essential village-level services,⁷ had grain. The farmer was obliged to sell his grain to a middleman who could make the necessary transfer of grain to the market or to borrow cash to meet his tax requirements. In either case, the net effect of introducing this cash requirement was to further reduce the farmer's already meager resources and, at times, to drive him into bondage or slavery.

The problem of revenue collection in a non-monetized agrarian society did not originate with the postwar period of Nepal. The same problem had existed for centuries, and the governments of the various mini-states that had existed in the hills had developed a very simple solution to the problem. Rather than attempt to collect revenues in grain, transport them to government granaries, and disperse grain in payment for services rendered by various individuals to the state, the government assigned specific fields in specific villages to its various government servants and authorized them to collect the revenues due from those fields. Such assignments were made both to men who were actively employed by the state, in which case they were called *jagirs*, and to provide rewards or pensions to those who had served the state well, in which case they were called *birtas*. Much has already been said about *jagir* and *birta* grants. In the present context, they affected the villager in several distinct ways.

First, the lands assigned as *jagir* and *birta* were more or less permanently removed from the area of government controlled lands.⁸

⁶ See Appendix A to chapter five of this study for a detailed list of the copper coins minted in Nepal during this period. It is assumed that the only meaningful coins for the village level at this period would be copper.

⁷ Those providing such services would include blacksmiths, carpenters, barbers, etc.

⁸ The *jagirdar's* assignment of a plot of land was temporary, (but the land itself, once designated as *jagir* land, remained *jagir* land, to be assigned to whomever the administration decided to assign it.

The *jagirdar* or *birta* owner became the 'government' in these tracts, and the villager had no direct access to government in the normal business of life. In most instances the landlord's word was law.

Secondly, since the *jagirdar's* assignment of the land was for a limited period of time, he tended to be less concerned for the proper use and development of the land. Long-range improvements such as irrigation channels that could only be developed by a planned use of the excess labour of the village were postponed or not taken up at all. The *jagirdar* was primarily concerned with maximizing his return from the land. Since the *jagirdar* was a government employee with specific duties that frequently required his presence in places far removed from his *jagir* land, he placed a manager on the land to handle such problems as demanded immediate attention. For the most part his own interests were elsewhere, and as long as he received his payment he had no other real concern in the village.

Thirdly, small *birta* owners tended to become the middlemen and money-lenders mentioned above. They had the capital to make loans or to buy grain, and as *birta* owners they could requisition *jhara* labour⁹ to transport grain to the markets where sales were possible. The villager thus found that an outlet that was closed to him because of the distance involved and the high rate of his rents was opened to the *birta* owner because the *birta* owner could requisition labour to transport produce. The villager might well find himself in the position of transporting grain that he himself had sold at a low price to the *birta* owner because he had to have cash to pay taxes and also of seeing that same grain sold for a good profit in a market some days distant from his village. What the villager could not easily do for himself because of his obligations in the village he had to do for the *birta* owner, because the *birta* owner had a right to demand labour from him. Thus, as grain markets opened up, it was the *birta* owner who profitted from them, not the villager. And nothing that the *birta* owner did in the whole transaction was illegal or outside the system.

Fourthly, both *birta* owners and *jagirdars* were given not only the right to administer justice on the tracts that came under their control

⁹ In the postwar years government use of *jhara* labour was considerably less than it had been during the unification period.

but were also entitled to pocket certain judicial fines as a recognized part of their emoluments. This conflict of justice and personal interests necessarily imposed a burden on the villager. Perhaps even more important, the villager found that there was no one to whom he could readily submit a complaint against the treatment he received from his landlord. The landlord's word was accepted as justice as well as law.

Lastly, in normal circumstances both *jagirdars* and *birta* owners had the right to evict tenants with whom they were not satisfied. In the increasing competition for land, this meant that the tenant had to go out of his way to assure the landlord of the quality of his service and his loyalty if he wished to remain on the land and have land to till. This meant, in addition to his rents and other exactions, that periodic gifts and extra services had to be given to the landlord. The only exceptions from this threat of eviction were those who performed some fixed service for the government, such as the *hulak* carriers, whose tenancy on the land was guaranteed as long as they paid their rents and performed their service.

Justice in village Nepal also left much to be desired. Appeals from decisions at the local level were both expensive and difficult, and therefore they were out of the reach of the average farmer. The farmer could find no recourse in the courts in the matter of high rents or taxes. Most of the cases of major concern to the courts were connected with land ownership and those aspects of land ownership that directly or indirectly affected government revenues. The only aspects of the judicial system that had regular application to the tenants on the land were those that dealt with caste violations or traditional customs which a class of people held in opposition to accepted Hindu practice. In economic matters the courts were primarily for the well-to-do. This is not surprising. In areas where the majority were living at subsistence or near-subsistence levels there was very little real property in the possession of tenant farmers that could become a matter for the courts.

The only escape from the economic burdens imposed on village Nepal was through the development of some source of income other than agriculture. Mining was of such limited scope that it could not be considered as even a possible alternative. Trade might conceivably have developed. In recent years we have seen a remarkable develop-

ment of cottage industries, almost all of which are based on ancient crafts. There seems to be no intrinsic reason why these same industries could not have flourished and provided items of trade throughout the hill areas during the silent years. In eastern Nepal, where the people of the villages had more agricultural surplus, a healthy system of *hat bazaars* developed through which the farmers could supplement their agricultural income through the sale of the items they produced during the moments when they were free from the labour of the fields. In the central and western hills, however, these outlets never developed. The farmers of the central and western hills had ample time to produce such handicrafts even after the labour of the fields was done and the works assigned by the landlord or the local authorities were completed. But there was little or no agricultural surplus left to the farmer after the payment of taxes or rents with which he could purchase products that caught his fancy or which seemed a useful addition to the home. When we speak of life at the subsistence level we automatically rule out the purchasing power on which alone trade can develop.

In some respects the farmers of Nepal were better off than their counterparts in India, but in many ways their lot was harder. Rents, for instance, seem to have been much lower in India than they were in the hills of Nepal. Indian economic historians have complained bitterly about the level of rents in India at this time,¹⁰ but in point of fact they were not as oppressive as were rents in the hills. The best area for comparison is Kumaon, where we have both the record of Nepali rents and the subsequent assessments of the East India Company.¹¹ It is interesting to note that the Company's policy in Kumaon under Traill was very similar to that which Bam Shah tried to follow on his own initiative from 1806 to 1809. Both the Traill assessment and Bam Shah's assessment were successful because they began with the productive

10 Romesh C. Dutt, *Economic History of British India 1757-1900* (London, 1906), 1: 245, says: 'Here we have the old story told once again. Wherever the Company's dominions extended, disturbances were succeeded by peace, and the reign of law replaced disorder. But the land was subjected to a heavy and increasing assessment, and the hand of the tax-gatherer was felt heavier in Northern India for many decades than the occasional outrages of invaders and freebooters in previous times.'

11 George William Traill, 'Statistical Sketch of Kamaon', *Asiatik Researches*, 16 (1828 : 200-7 and 227-33).

capacity for the land and the needs of the farmer rather than with a preconceived idea of the amount the farmer should pay for the right to till the land. During both periods, the 1806–9 period under Bam Shah and the period beginning in 1815 under Traill, more realistic assessment policies led to a revival of the economy of Kumaon and increased overall production.¹² The period from 1809 to 1815 supplies us with our comparison, for in that time the full weight of the military assessment was imposed on the territory, and the people were very rapidly reduced to the level of subsistence. In many cases farmers were forced to abandon their land.¹³ The same burden that fell so heavily on the farmers of Kumaon at this time fell also on the farmers of the central and western hills of Nepal proper. With very much the same results. This economic pressure was even increased when the full burden of supporting Nepal's postwar standing army fell on the much smaller area of Nepal proper after the amputation in 1815 of the hill provinces west of the Mahakali River and the loss of the western Tarai in 1816. Since Traill clearly states that his assessment was similar to the assessments in the plains, we have a definite comparison of rent levels between the hills of Nepal and the plains of India at this time. As far as rents and taxes were concerned, the Nepalis certainly had a harder time of it.

Another area in which the farmer in India was better off than the Nepali farmer was in the matter of rural justice. Although the introduction of the British administration created some serious problems in the administration of justice, in particular in matters regarding the use and application of Hindu and Muslim law, the courts were more open and more accessible to the poor. Kumaon once again provides an interesting area of comparison. By the simple expedient of removing court fees, the courts became more accessible to the poor, and the poor used them more frequently.¹⁴ This is perhaps the most telling statement of the harm that was done to the administration of justice by making court fees and fines a source of revenue. The policy that Traill discontinued in Kumaon in 1815 was continued in Nepal proper well beyond that time and served not only to deny the poor ready access to the courts but also

12 *Ibid.*, 206–7.

13 *Ibid.*, 189–90; also *Regmi Research Series*, 3 (December 1972): 62–66.

14 Traill, 'Statistical Sketch', pp. 199–200.

added to the economic burden of village Nepal.

The major area in which Nepali farmers were much better off than their Indian counterparts was the tolerance towards one another that had begun to grow among the hill peoples. Whatever frictions existed in the hills, and there were certainly many, none of these could compare with the legacy of ill-will and suspicion that the people of north India inherited from the turmoil of the eighteenth century. There is evidence that in Nepal the Newar community was not treated with even-handed tolerance during this period.¹⁵ Despite this evidence, however, there are also indications that at least some Newars were given favourable treatment and desirable posts in government.¹⁶ Since the military monopolized the administration and Newars were not considered good military prospects,¹⁷ it is regrettable but not surprising that the ranks of the higher echelon government officials did not include Newars at this time. In comparison with the situation in India, however, the level of tolerance in the hills was high, and this was a strong positive factor in hill society. Considerable comment has been made earlier in this study about the administration's practice of imposing fines on those who received official recognition of traditional practices that went counter to the Hindu practice of *dharma*. This in itself showed that in the central administration's attitude towards such communities the emphasis was on tolerance rather than acceptance, an attitude that was far short of the ideal of brotherhood that unity imposed. Even this, however, cannot diminish the significance of the growing tolerance and acceptance of the peoples of Nepal for one another. There is no doubt that the caste structure of society encouraged the belief that some citizens were in themselves superior to others. This was hardly the exclu-

15 Hemanta Rana and Dhan Bajra Bajracharya, ed., *Tistung-Chitlang Bhek ko Aitihāsik Samagri* (Kathmandu, 2029 B.S.), pp. 35–36 a *lal mohar* of Surendra Bikram Shah.

16 Newars held important contracts for mining in the period 1806–10. At that time the contract system was discontinued, until the eve of the war, when it was renewed. Our survey did not reveal any Newars among the contractors during this second period of contract-mining, which seems to indicate that even this opportunity was lost to them at this time. Either the contract bids were too high to allow a suitable profit margin, or others were given preference to them.

17 Prithvīnarayan Shah, *Dibya Upadesh*, ed. Yogi Narhari Nath (Kathmandu, 2016 B.S.), p. 16.

sive prerogative of Nepalese society at the time, but it did detract in some measure from the ideal of unity. A great deal more could be said about this factor of tolerance. At this point we must be satisfied to stress that this was a factor of life in the hills that helped to mitigate some of the demands being made on village Nepal during this period.

In a sense, any comparison of the lot of villagers in Nepal with that of villagers in India is unjust and misleading. Both groups were heavily burdened, and both groups were impoverished. It says very little about the quality of life to say of one group living at the subsistence level that, despite this low level of economic vitality, they were better off than another group who were a little closer to the poverty line. Closer inspection would undoubtedly also reveal that it was not only government policies that were creating economic burdens for the villagers in Nepal. Village social structures had a great deal to do with the impoverishment of the people.¹⁸ An analysis of this aspect of the silent years is totally beyond the limitations of this study. At the present the author knows of no methodology by which we might find entrance into this aspect of village socio-economic life. For the present we must be satisfied to mention that this factor might well have strong moderating influences on many of the statements made in this section with a corresponding influence on the central thesis of the whole study.

B. THE ADMINISTRATION AND THE SILENT CRY

The cry of village Nepal went unheard. The administration seemed unable to realize that the poverty, the repeated requests for remission in rents and taxes, and the increase in rural indebtedness were shouting out that the revenue system itself was oppressive. There were times when it almost seemed that the administration did not want to hear. When the economic pressure on the farmers of an area reached the point where they began to desert their land, the administration reacted quickly enough. Then there was immediate concern to do something

18 We should not delude ourselves with the idea that all of the troubles in village Nepal came from outside the village. The village, as most human political units, had its own areas of tension and petty exploitation. We see traces of these aspects of village life, but as yet we have found no scientific way of examining the history of these tensions on the basis of data now available in Nepal.

about it. But the solutions arrived at even in such situations were always *ad hoc* solutions. The central administration in such cases assumed, and rightly so, that a regional administrator was going too far in pressing home his demands on the villagers. In such instances an immediate effort was made to rectify the situation and encourage the villagers to return to the land. But no one seems to have asked why the farmers were so frequently forced to exist on the razor's edge of subsistence-level farming. Bhim Sen Thapa is often given credit for having wanted to eliminate slavery.¹⁹ To prove this point examples are cited of instances when he forbade the use of bondage and slavery in certain districts. In each case that is cited it is clear that Bhim Sen Thapa was well aware that indebtedness was the cause of the growth of bondage and slavery in that area. It seems incredible that he should have issued an order to discontinue this practice without asking why the people of that district were forced to such an extreme solution to their poverty. Rural credit is another example of official deafness to the cry of village Nepal. There was a constant effort to roll back interest rates to the officially sanctioned ten percent on cash loans. Yet no one seems to have been sufficiently concerned about the question of the farmer's need for cash loans to ask why the farmers so frequently required these loans or why the incidence of rural indebtedness was rising. It is very difficult to avoid the conclusion that officials in the administration were unable to understand what the system was really doing to the people at the level of the village.

We can safely rule out any positive intention on the part of the administration to oppress the people of village Nepal as an explanation of the administration's attitude.²⁰ Kumaon once again provides a perfect case in proof of this. Chautariya Bam Shah had been assigned to Kumaon as governor for a brief period in 1797.²¹ He was again assigned as governor of Kumaon from 1806 to 1815. During his second

19 Chittaranjan Nepali, *Bhim Sen Thapa*, pp. 185-88.

20 We distinguish here rather sharply between those conditions that resulted from the administration's positive intent and those that were the result of omission and negligence. The former is the more serious offense, but the latter is not without its own culpability.

21 Edwin T. Atkinson, *The Himalayan Districts of the North-Western Provinces of India* (Allahabad, 1882), 2: 614.

period as governor he made a determined effort to improve the condition of the province. He established realistic revenue assessments, confirmed land grants, and made every effort that was in his power to help the farmers rebuild their economy. However, so much land had been let out on *jagir* that his first efforts did not solve the problem of heavy exactions and increasing poverty. In 1807–8, after Bam Shah had forwarded numerous complaints from the villagers to Kathmandu, the central administration sent a commission under the command of Kazi Revant Kunwar to look into the question of tax assessments in Kumaon. The commission seriously tried to improve the situation. As Traill reported:

The settlement was formed on actual inspection of the resources of each village. . . . On completion of this survey, a detailed account of each *pergunna*, showing the numbers, names, size, and extent of the villages, was submitted for the approbation of the Court of Nepal. From these a copy under the seal of state was issued to the . . . principal landholders, as a standard of the revenue demandable from their respective *pattis*, corresponding instructions being issued to the officers holding assignments. . . . The demand thus authorized, generally speaking, was by no means excessive or unreasonable.²²

There were, however, so many military officers in Kumaon who were able to add to their incomes by arbitrary fines and other petty exactions that this whole assessment became meaningless as a measure of what the people of the province were *actually paying* in taxes. Bam Shah used his own authority 'to revise the entire arrangement and draw up a regular settlement and record which remained in force until the conquest.'²³ When the British took Kumaon in 1815, Traill used the assessment that had been worked out by Revant Kunwar and modified by Bam Shah in terms of what the villages could actually produce as the base for his first assessment. In line with what Bam Shah had done, he accepted the principle that the assessment should represent the maximum that the villagers should have to pay in taxes. Bam Shah had to

22 Traill, 'Statistical Account', p. 190.

23 Atkinson, *Himalayan Districts*, 2: 625.

adjust the assessment of Revant Kunwar, because he was aware of the added exactions being made by the military officers, especially in the administration of justice. Traill simply removed all extra taxes, including fees for the administration of justice, and imposed Revant Kunwar's assessment (which, it must be remembered, had been worked out on the initiative of the central administration). The result was an immediate improvement in the condition of the people. It was clearly not the tax assessment that was impoverishing the villagers; it was the way that this assessment had been used that made the difference. When every loophole in the assessment was exploited for maximum gain, the villagers were oppressed. When the assessment was fairly followed, on the assumption that it was a statement of the highest level of taxes the villagers must pay, the people began to recover quickly. Quite apparently it was not the central administration's intention to oppress the villagers; yet it is equally apparent that the villagers were oppressed.

This assessment deserves a closer study. It includes all authorized taxes in Kumaon, which include, of course, more than the basic tax on rice lands.

Many items in this assessment were based on estimates. The items marked with an asterisk (*) were items based on estimates which also offered ample scope for any official or tax collector to exploit the people. They were loopholes built into the system. Insofar as these loopholes were part of the revenue system, those who collected these had a right to them. They could not logically be accused of abusing the system if they collected fees to which they had a right. However, there was ample scope for excessive zeal in the collection of these fees, and, human nature being what it was, it was inevitable that tax collectors, *amalis*, *birta* owners, and *jagirdars* would make use of these loopholes. The system permitted it, and even encouraged it.²⁴ When the collection of taxes was let out on contract, these loopholes provided the *ijaradar* the opportunity to earn a greater profit on his contract. When *ijaradars* were replaced by a more direct taxation system, *amalis* were made liable for the total tax of their village. From settlement to

²⁴ There is evidence in the manner in which *ijara* contracts were assigned to justify the conclusion that the possibility of such profiteering was considered by the administration and accepted as a basic reality of village life.

Table V

Kumaon Assessment of Bam Shah (in force from 1812 to 1815)²⁵

Title	Tax (in Nepali Rupees)
Land Revenue	85,525
Salami	2,743
Tax on Cattle	2,252
Tax on Looms	50,741
Tax on Domes	621
*Homestead Tax	1,360
*Fees for Kanungoes, etc.	4,222
Customs Duties	7,500
Mines and Mint Duties	2,400
*Fees to Village Headmen	3,200
Timber and Bamboo Tax	1,200
Sayer, Exclusive of Customs Duties	162
*Estimated Fines and Forfeitures	2,500
Total	164,426

settlement that tax was constant, and the *amali* was obliged to pay it, regardless of the quality of the monsoon, damage to fields, or the farmer's inability to pay for whatever reason. One can hardly blame the *amali* for maximizing his collections in order to insure that he had enough to pay the assessment. If his collections resulted in a surplus, it is not surprising that he put this away in a safe place for the future.²⁶ The exploitation of the people through these loopholes in the assessment, however, was far more of a burden after the war than it had been before the war, because the general level of assessments had increased in

²⁵ Abstracted from Traill, 'Statistical Account', Statement B, p. 229.

²⁶ The *amali* was, in fact, expected to redistribute such surpluses, if they occurred.

order to support the large standing army that Bhim Sen Thapa felt obliged to maintain. There was much less left to the farmer after the payment of their rents or taxes with which to meet these other exactions, and the farmers were driven increasingly to seek loans and other outside help to meet the demands being made on them.

We might well ask why, if it was not the intention of the central administration to oppress the people, nothing was done to stop this exploitation. Why did the central administration fail to realize what was going on in the villages of Nepal? Quite obviously there was a breakdown in communications. Though the *hulak* system was maintained after the war, there was no consistent effort to use this communication system to keep the central administration informed on actual conditions in the villages. The regional administrative system had not been developed with this in mind, and, as we have seen, there was no effort to structure regional administration in such a way that it could gather information on actual conditions in the village and forward this to Kathmandu. As Bhim Sen Thapa's administration was structured, tax collection was outside the purview of the regional administration, justice was outside their jurisdiction, and little scope was left to the local governor except to maintain peace and to protect the area to which he was assigned.

This was a serious lapse on the part of the central administration. Nor was it an isolated lapse. It was all part of the same attitude which the administration consistently adopted in regard to village Nepal. We have seen that there was no official concern to develop regional unity, no concern to develop regional trade, and no apparent regard for village Nepal as anything other than an amorphous collection of farms, each of which was expected to yield up revenue at the proper season.

This attitude of government has been called the *jagir mentality*. The sole purpose for which a *jagir* was assigned to a government servant was to provide him with his emoluments of office. His salary was to come from the designated plot of land, and he held it only as long as he held the post to which that land was traditionally assigned. He did not own the land, nor did he feel any great responsibility to the people on the land. The *jagirdar* had his own responsibilities elsewhere, and, if anything, he was impatient with the villagers in his effort to get from

them the revenues that comprised his just payment. It is obvious that this sort of attitude was not guaranteed to provide the best possible treatment to the people who happened to live in the villages assigned in *jagir*.

The men who controlled the government of Nepal at this time were all *jagirdars*, and many of them were either military officers or men who had all their training as military officers before assuming posts in the administration. There is no indication that their attitude changed in any way once they assumed responsibility for the government of the state. On the contrary, there is every indication that they treated the state as one massive *jagir*. They expected revenues from it and they collected them. When something interfered with the collection of the revenues that they expected, they looked into the matter. Otherwise things went on as before, with little concern either for the economy as a whole or for the real welfare of the people. Traill observed in Kumaon that when a fair assessment with no extra exactions was imposed on the people for a few years, the economy recovered, and in a very short time the assessment could be increased substantially because the people themselves were better equipped to pay more. In five years revenues in Kumaon went up from Rs. 107,588.75 to Rs. 147,691.25 on land assessments alone.²⁷ As Traill pointed out in his report: 'Light assessments, attended with constant high prices of produce, have more than doubled the profits of agriculture, while the increased competition which has taken place in the trade with this province, has considerably enhanced the value of its exports.'²⁸ There is no reason why the same sort of economic recovery could not have taken place in central and western Nepal if an attitude had been adopted that looked on the villages as the real wealth of the nation rather than as a mere source of revenues.

There is no avoiding the conclusion that the central administration's attitude towards village Nepal was largely responsible for the impoverishment of the villagers. The only question that can be asked

27 Traill, 'Statistical Account Statement D, p. 232.

28 Ibid., pp. 206-7. Farukhabad rupees have been converted to Nepali rupees at the rate specified in Traill's report for the sake of this comparison.

in mitigation of this was whether the government could be fairly expected to have had a different attitude. The traditional attitude towards government's duties to the people neither demanded nor expected that the government assume an active role in village development. This much must be said in all fairness. If a new attitude were adopted, then, it would have to come from some new insight into the relationship that existed between the governed and those governing. It is true that with the growth of the Company's power in India and with the development of new trade throughout the subcontinent there was abundant stimulus for anyone who was given at all to speculation about the situation of Nepal's economy. However, the typical administrator is not overly enamoured of speculative thought or creative thinking, and Bhim Sen Thapa's administration never rose above the level of mere administration. The stagnation of government promotions, the *ad hoc* approach to problems that were reported, the failure to develop competent regional administration, the continued discouragement of trade long after this had ceased to be significant in terms of national defence—all of these are indicators of the administrator-mentality. There is no mark of insight, no sign of vision, and no indication that the administration was in search of new ideas. And this despite the fact that the quality of life in the villages was visibly lower during the postwar period than it has been before the unification process began.

It would be a serious error to condemn any government merely because it indulged in *ad hoc* solutions to problems. There are times when the data available is inadequate to structure a realistic national policy, and the government can only try to do its best in the given circumstances. In such situations grandiose schemes can be more damaging than a temporary *ad hoc* solution to a problem. However, there is a vast difference between an *ad hoc* solution that is meant only to relieve present distress and an *ad hoc* solution that sincerely tries to solve the problem. The former is palliative; the latter is a sincere effort to remove the cause of the problem. Many of the solutions that Prithvinarayan Shah arrived at, for example, were *ad hoc* solutions. He saw a problem, tried his best to understand it, and took steps to solve it. Many of his solutions were remarkably intuitive, but some of them were certainly

ill-advised.²⁹ On the whole, however, his performance was sufficiently attuned to the needs of the nation to merit the respect that he has always enjoyed as a leader of Nepal. Certain it is, however, that though he was the first king of Nepal to make such an imaginative use of *jagirs* and *jagir* grants to achieve his purposes, he never developed a *jagir* mentality. His *Dibya Upadesh* is a remarkably clear statement of his concern for his people, and this concern he had consciously cultivated from the earliest days of his reign.³⁰ There is no indication of a comparable concern for the people of village Nepal on the part of Bhim Sen Thapa's administration.

C. THE ADMINISTRATION AND THE GROWTH OF NATIONAL UNITY

The essential failure of the Bhim Sen Thapa administration was simply a lack of vision. Bhim Sen Thapa lost touch with the people of Nepal because he lacked vision; and the people of Nepal failed to move towards a greater unity and a true sense of Nepali nationhood because he lacked vision. He saw no greater goals to strive for. His administration and his own actions were all bound up in maintaining the *status quo*. He was satisfied with what the state had and with what he had, an attitude no serious politician can afford or accept.

Some argue that after the war with the East India Company all that any ruler in Nepal could hope to do was to preserve the unity that Nepal had achieved throughout the years of the unification period and that had been seriously endangered by the Treaty of Sagauli. However, once the central and eastern Tarai were restored to Nepal there was never any real danger that the state would fragment. There is no indication whatsoever of any secessionist moves, and there is no indication that there was any serious failure in loyalty among the *bharadari*, on whom the unity of the state still largely depended.

It is true that Bhim Sen Thapa's policies welded the *bharadari*

29 See Ludwig F. Stiller, S. J., *Prithvinarayan Shah in the Light of Dibya Upadesh* (Kathmandu, 1968), chapters four and five, where I have tried to evaluate the various policies, domestic and foreign, of Prithvinarayan Shah.

30 Samsodhan Mandal, ed., 'Bhasha Vamsavali', *Sri Panch Prithvinarayan Shah ko Upadesh* (Kathmandu, 2025 B.S.), 2: 672; also Ludwig F. Stiller, S. J., *The Rise of the House of Gorkha* (Ranchi, 1975), pp. 92-93.

into a much tighter group than had perhaps ever before existed, and this might perhaps be argued as a move towards increased unity in the state. But the methods that he used to achieve this purpose were based on the maintenance of an army the state could not afford and resulted in an almost total lack of upward mobility in the government. Both of these proved in the final analysis to be divisive rather than unifying. There was no way that Bhim Sen Thapa could avoid handing over control of the army to King Rajendra Bikram when he came of age, and once control of the army and the *pajani* were in the hands of another there was no way the tensions that had steadily increased as a result of his promotions policy could be dissipated without serious damage to the state. Bhim Sen Thapa's own tragic death, the seven year period of confusion between 1839 and 1846, and the Kot Massacre were all results of his policies.

It is also true that Bhim Sen Thapa achieved a great deal for Nepal when he succeeded in gaining a restoration of more of the Tarai land than the governor general had first envisioned when he made his proposal in 1816. Bhim Sen's understanding of the importance of secure borders to the governor general is another point in his favour. There is no question that he had a remarkable understanding of the governor general's mind, and this gave him the maximum room to maneuver in his many conflicts with the resident in Kathmandu. His perception here cannot be faulted, and Nepal owes him a debt of gratitude for his skill in dealing with the resident as well as with the governor general.

The one great blind spot that Bhim Sen Thapa had was the army. He clung to the army despite the fact that the nation could not afford it, and he resisted pressures to reduce the army even when it was clear that it was the very size of the army that caused the resident uneasiness. There is no question that Bhim Sen Thapa saw the army as an important prop to his own position in the state, and we can assume that he saw it as an important outlet for the interests and energies of the *bharadari* at large. It is precisely here that his lack of vision stands out most starkly. The argument that the army was accustomed to fighting and that the men of the rank and file looked down on other occupations is nonsense. The very fact that the men of the rank and file served by rotation, one year on the roll and two years off the roll, is ample illus-

tration of this. What did they do during the years when they were off the roll but return to the land and farm. The men who served in the army of Nepal came from the farm and would return to it, provided that they could earn a fair living there. The critical element that prevented them from earning a fair living on the land throughout most of the central and western hills was the *jagir* system that put heavy economic pressure on the farmers of village Nepal. And the *jagir* system existed primarily to maintain a large standing army that had no real function in the state. A reduction in the army, a reduction in *jagirs*, and encouragement of internal trade would have done a great deal to make life on the farm more rewarding to those who for want of other occupations sought employment in the army. The officer corps, of course, was another matter. The only excuse they had that would justify their standard of living and their rank as *bharadars* was their military *jagir*. But even this group could have been more productively employed in other aspects of the administration. There was ample scope for more efficient regional administration, if Bhim Sen Thapa had been willing to risk deploying them in this fashion. The truth of the matter was that in regard to the internal administration of the country it really never occurred to Bhim Sen Thapa or his close associates that any change in the traditional mode of administration would be useful or desirable. Their vision was bounded by the past they knew and the present that they experienced from positions of relative ease.

But village Nepal was crying out for greater unity. The people wanted more efficient administration. They wanted some regular and accepted channel of communications which they could use to make known their needs. Most of all they wanted relief from the burden of taxes that only greater internal unity could bring them. Just as the political boundaries of their world had expanded when the new state of Nepal replaced the old, familiar mini-state, so their economic boundaries had to be enlarged to include something more than agriculture, if they were to support the larger central administration that necessarily followed the unification of Nepal. There was no way the simple juxtaposition of a number of small economies could achieve this. Somehow these economies had to interact to create more wealth. The first, and most obvious way to do this, was to develop trade within the country.

There were, of course, many obstacles to this trade, but they were not insuperable. Trade that managed to penetrate the Himalayas to link the Tibetan need for grain with the Nepali need for salt could also have linked the needs of one area of Nepal with its neighbours, provided there was some relief from the immediate burden of taxes and an adequate coinage system.

Bhim Sen Thapa could have provided both, had he been willing to risk reducing the army and turning some of the mineral wealth of the state into coins rather than into munitions. There was more than adequate copper in the country to mint all the coins that were required in village Nepal. This would have taken care of the immediate need for small coins. Silver coins, too, would have circulated freely in the country-side, if the farmers were allowed enough of their crop after taxes to take advantage of the growing market for Nepali rice in India. As long as *jagirdars* and *birta* owners were permitted to collect substantial amounts of grain and dispose of much of this grain on the Indian market, the wealth that this brought into the country would naturally gravitate to the capital, where most of them had their main residence. But if the villagers had been permitted even a small share in these profits, there would have been coins in the hands of the farmer at the village level that would have eased his problem of acquiring cash to pay his taxes. The centralization of agricultural profits followed upon the centralization of land ownership and land control. There may not have been any immediate possibility of shifting the state from a *jagir*-based mode of payment, but the size of that payment could have been lowered considerably by the simple expedient of reducing the size of the army.

Why was this not done? It is not possible to believe that Bhim Sen Thapa was totally unaware of the situation that this continued military presence created in Nepal. It is not possible to believe that in twenty-one years after the end of the Nepal-East India Company war the thought never once occurred to him that he was imposing this economic burden on the nation. It may well be that he did not realize the full consequences of his support of the army in exchange for its support of his own claim to office. This is true. Quite possibly he had no head at all for economics and was totally disinterested in it. But he need not have seen the full ramifications of the maintenance of such an army.

He had only to see that the cost of the army was far too heavy for the people to bear. And this he must have seen. When columns of figures were being adjusted and a search was being made to find ways to meet the military payroll, it must have occurred to him that the army was an extremely heavy burden for the nation to carry. Whether it occurred to him or not, however, it is quite clear that the cry of village Nepal did not penetrate to the point where he realized that something must indeed be done to answer it.

There is no reason whatsoever to accept the accusation that Bhim Sen Thapa was deliberately deaf to the cry of village Nepal. Nor should we acquiesce in the charge that he was wilfully negligent of the people of Nepal. He lacked vision, and at times he was an opportunist. He was concerned primarily about his own position in society and a strong promoter of his own family interests. But this description would have fitted most members of the administration during the silent years. Perhaps this is why the cry went unheard. Somewhere in those years of growth three basic ideas that Prithvinarayan Shah had bequeathed to the nation were lost. Prithvinarayan Shah had believed that the nation walked on *two* legs, the farmers of village Nepal as well as the military rank and file.³¹ He had believed that a rich peasantry made a rich country.³² He had also believed that good government depended on a nobility of service.³³ Somewhere on the road of conquest, amid the crash of guns and the sweat of battle, these ideals were lost. The military had assumed the right to grow and to live at the expense of the farmers of Nepal, and all too many of the *bharadars* forgot the meaning of their title ('those who carry the burden of the nation') and demanded that the nation serve them. Government service became an end in itself. It is certain that individual members of the *bharadari* were kind and considerate to those around them, and many a village tenant farmer could thank his landlord for some special kindness rendered him. But in their official capacity the *bharadari* as a whole showed they were remarkably unattuned to the cry of the nation.

Today, as we walk through the streets of the capital, we can still

31 Prithvinarayan Shah, *Dibya Upadesh*, p. 17.

32 *Ibid.*, p. 14.

33 *Ibid.*

treasure many of the monuments that Bhim Sen Thapa erected. The temple at Tripureshwar, Dharara, Sun Dhara, and the Bagmati bridge (now gone through several incarnations) – these are but some reminders of the silent years. These are evident and they are well worth our admiration. But along with these sights that are so reminiscent of the past there are also echoes of the silent cry of our brothers and sisters in village Nepal. Throughout the pages of this study we have explored a great many aspects of the silent cry, and we have tried to show in some small way the shortcomings of the administration during the silent years. Shortcomings, however, are not necessarily accusations of blame. During this whole analysis we have consciously tried to avoid pointing the finger of blame exclusively at any one person. The suspicion lurks all too uncomfortably near that in a great many respects we today are as deaf to the silent cry as anyone in Bhim Sen Thapa's time.

We have seen that the growth of tolerance was one of the great achievements of the silent years. It was not an unqualified success, but it was a definite achievement. We have also seen that tolerance is only a half-way house towards unity. Until tolerance grows to the point of mutual and unqualified acceptance of one another, there is still a long way to walk along the road to unity. The *bharadars* of the silent years showed by their official conduct that they were unwilling to walk this last stage of the journey, and the nation was poorer because of their decision. Today the true *bharadars* of the nation are the educated citizens in every walk of life. The military have long since yielded their special place in the nation and have learned to fulfil a more modest role with great loyalty and meaning. The educated classes have taken their place as the privileged group in Nepal. It remains to be seen whether we will have the courage to walk the last stage towards that unity, in which the lot of a Nepali anywhere is a matter of grave and personal concern to each of us. The cry of village Nepal is still echoing around us. The modalities have changed and the content has changed, but the cry is still there. Will it be heard any more clearly today than it was during the silent years?

APPENDIX A

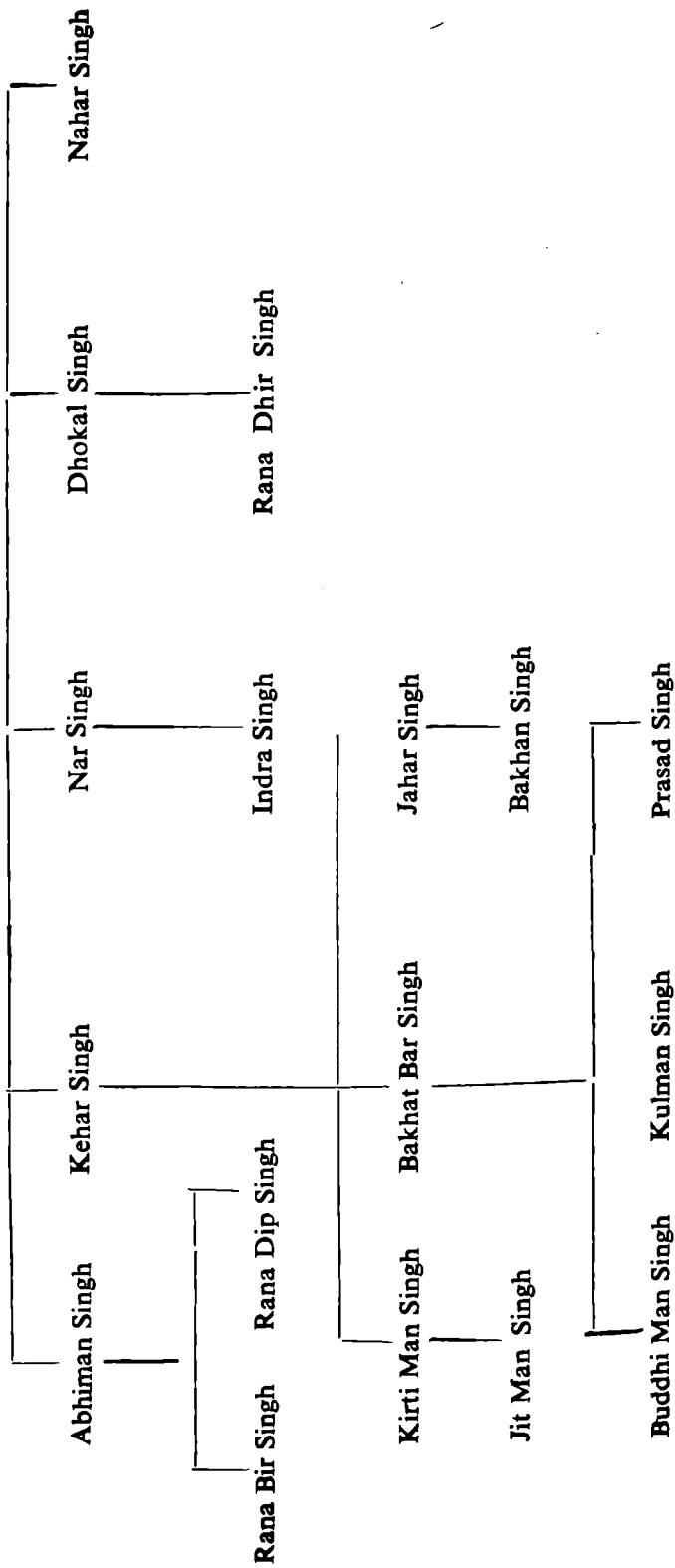
The family trees included in this appendix do not pretend to be complete nor to distinguish clearly between elder and younger brothers in the same line. They are intended to show only father-son relationships and to help the reader trace the incidence of senior-level employment within individual families.

In the charts that accompany the family trees, the following code has been used;

- G — General
- K — Kazi
- S — Sardar
- C — Colonel
- \$ — Subba
- C — Captain
- s — Subedar

BASNYAT

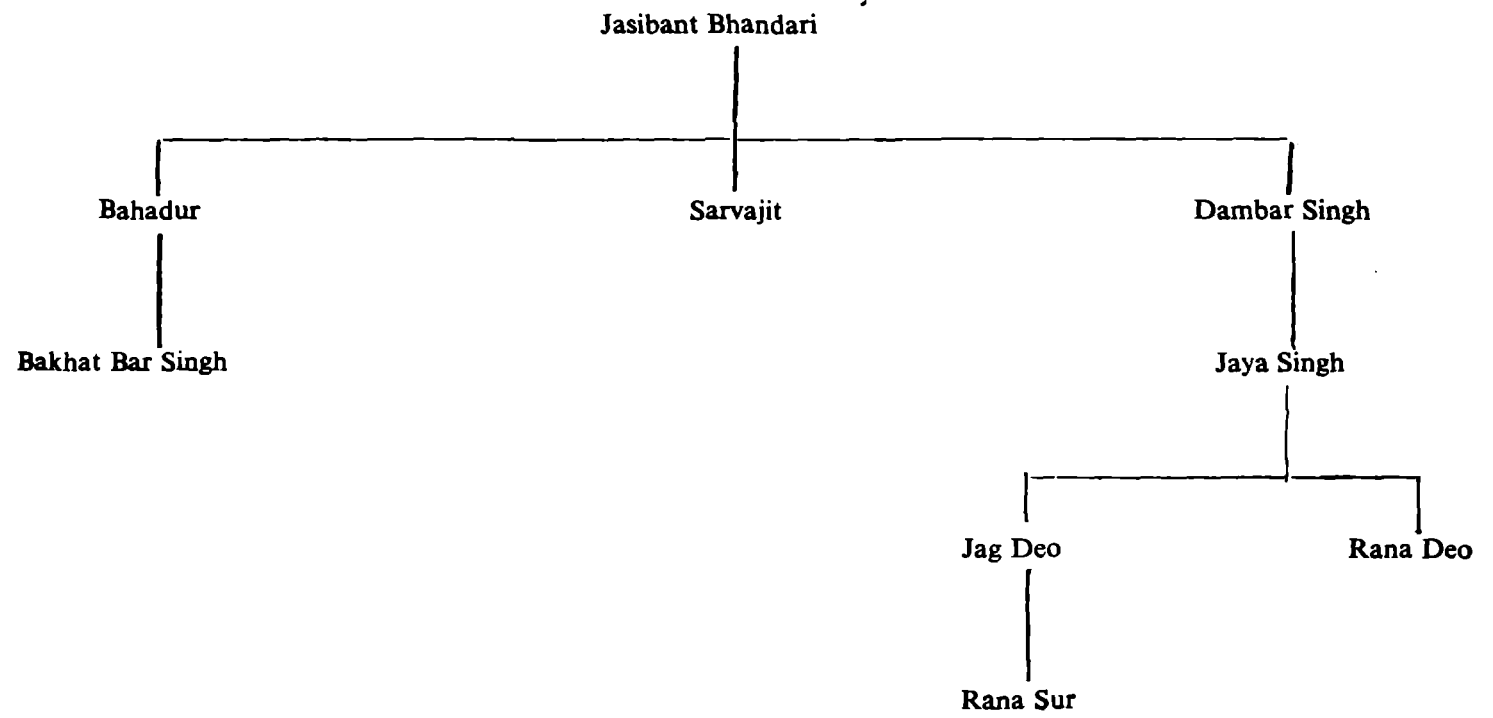
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BASNYAT

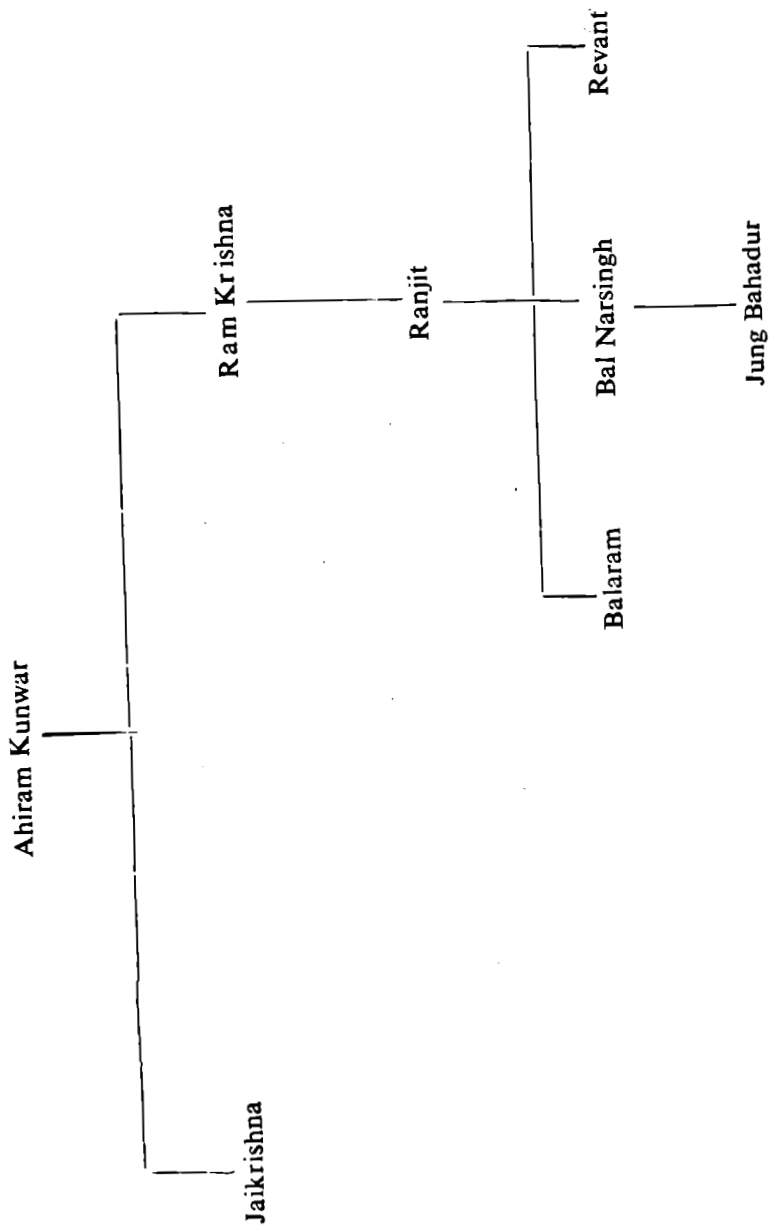
	1816	1817	1818	1819	1820	1821	1822	1823	1824	1825	1826	1827	1828	1829	1830	1831	1832	1833	1834	1835	1836	1837	1838	1839	
Rana Bir Singh Basnyat											S	S	S	S			S		S			C			
Rana Dip Singh Basnyat			C									S	S	S	S	S	S	S	S				C		K
Indra Singh Basnyat												S						S							
Rana Dhir Singh Basnyat				K										K	K										
Kirti Man Singh Basnyat																	K								
Bhaktabar Singh Basnyat					K	K	K			K															
Jahar Singh Basnyat										K															
Jit Man Singh Basnyat			K	K																K	K	K	K		
Buddhiman Singh Basnyat											s													K	
Prasad Singh Basnyat	C	K	K		C						C	C	C	C	C	C	C	C	C	C	C	C	C	C	K
Kulman Singh Basnyat									K	K	K	K	K	K	K	K	K	K	K	K	K	K	K	K	K
Bakhan Singh Basnyat	S	S		C					S	S	S		C							C	C	C	C	C	

B H A N D A R I



KUNWAR

RANA



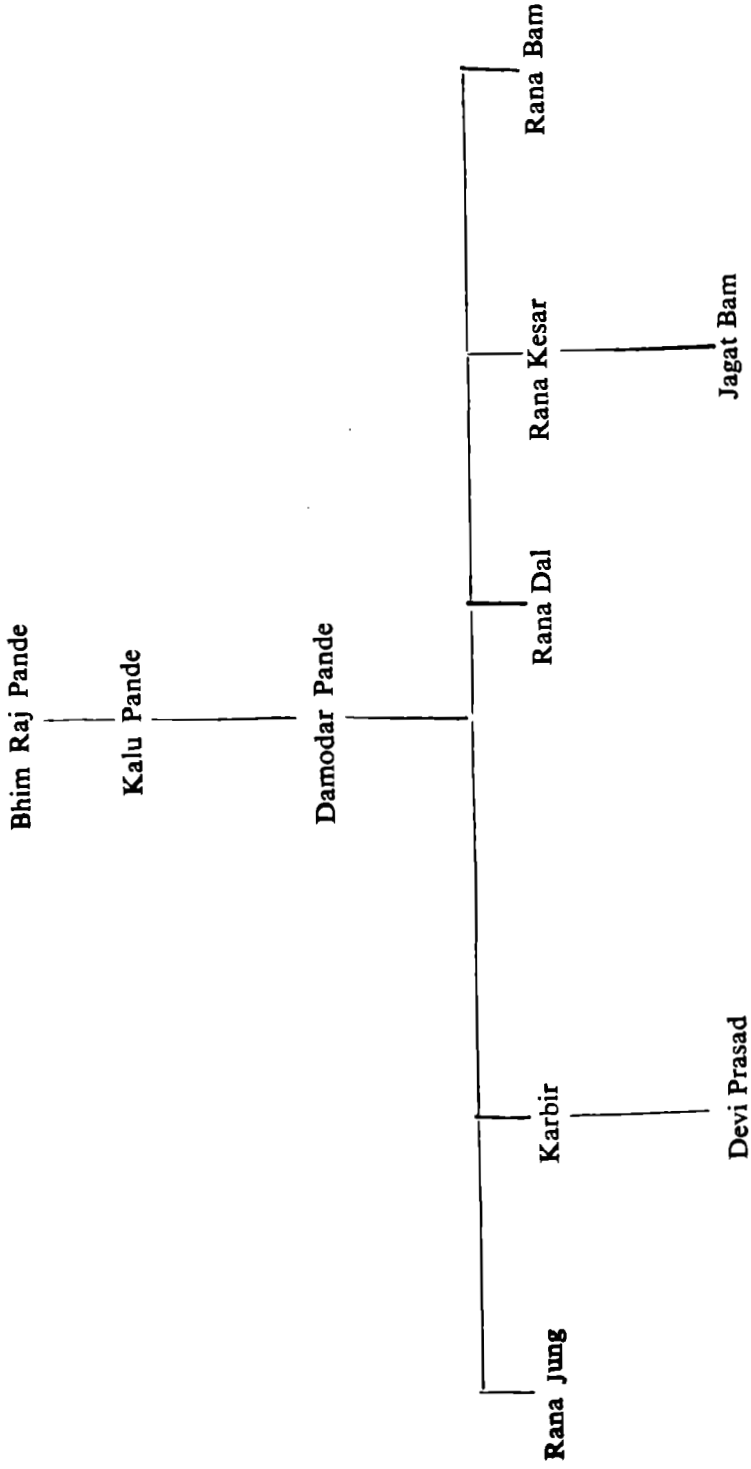
KUNWAR

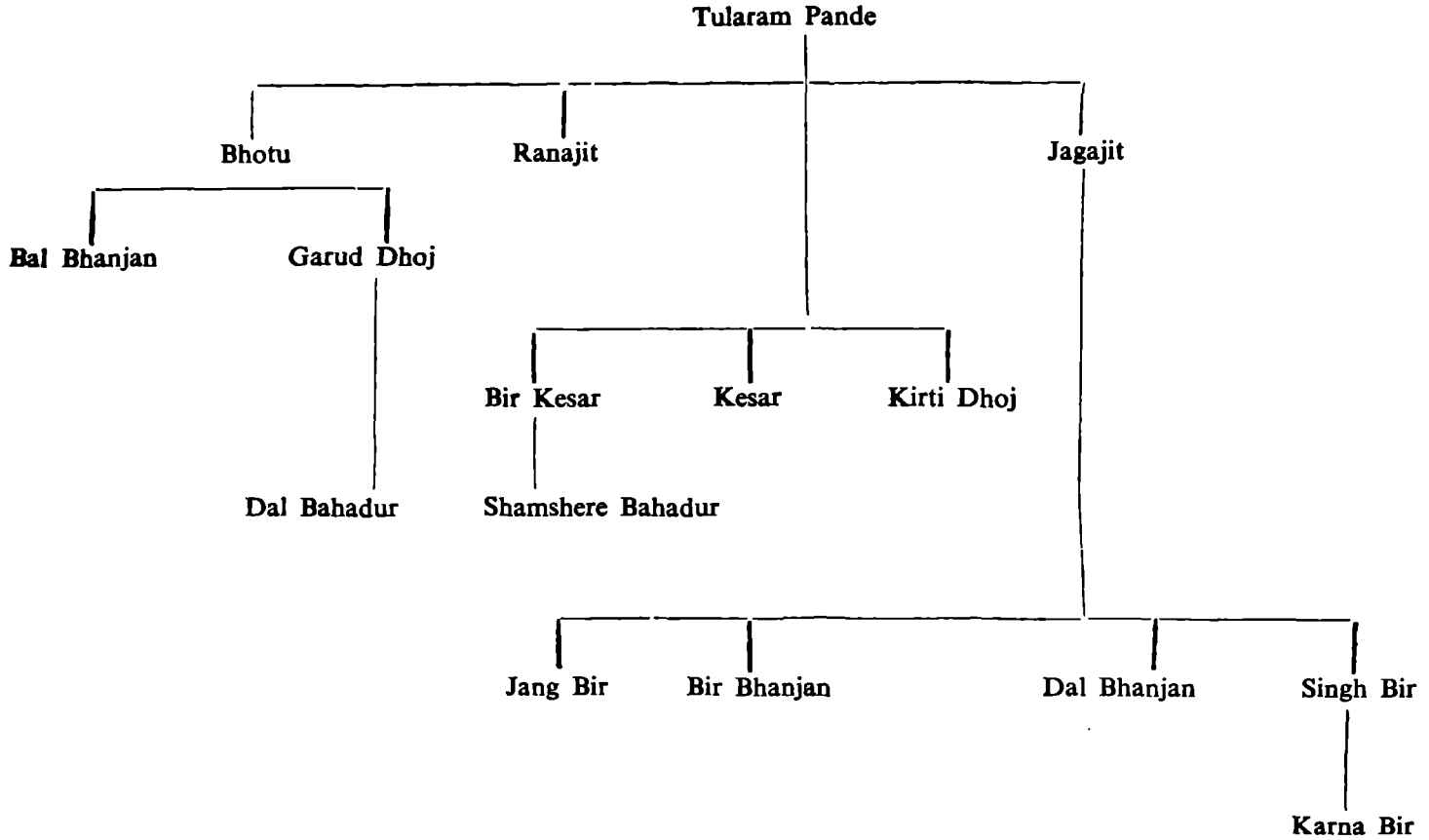
RANA

	1816	S		K	K
	1817	S		K	K
	1818	C		K	K
	1819	C		K	K
	1820	C		K	K
	1821	C		K	K
	1822	C		K	K
	1823	C		K	K
	1824	C		K	K
	1825	C		K	K
	1826	C	K	K	K
	1827	C	K	K	K
	1828	C	C	K	K
	1829	C	C	K	K
	1830	C	C	K	K
	1831	C	C	K	
	1832	C	C	K	
	1833	C	C	K	
	1834	C	C	K	
	1835	C	C	K	
	1836	C	C	K	
	1837	C	C	K	
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	1839				
Bir Bhadra Kunwar					
Balaram Kunwar					
Bal Narsingh Kunwar					
Revant Kunwar					

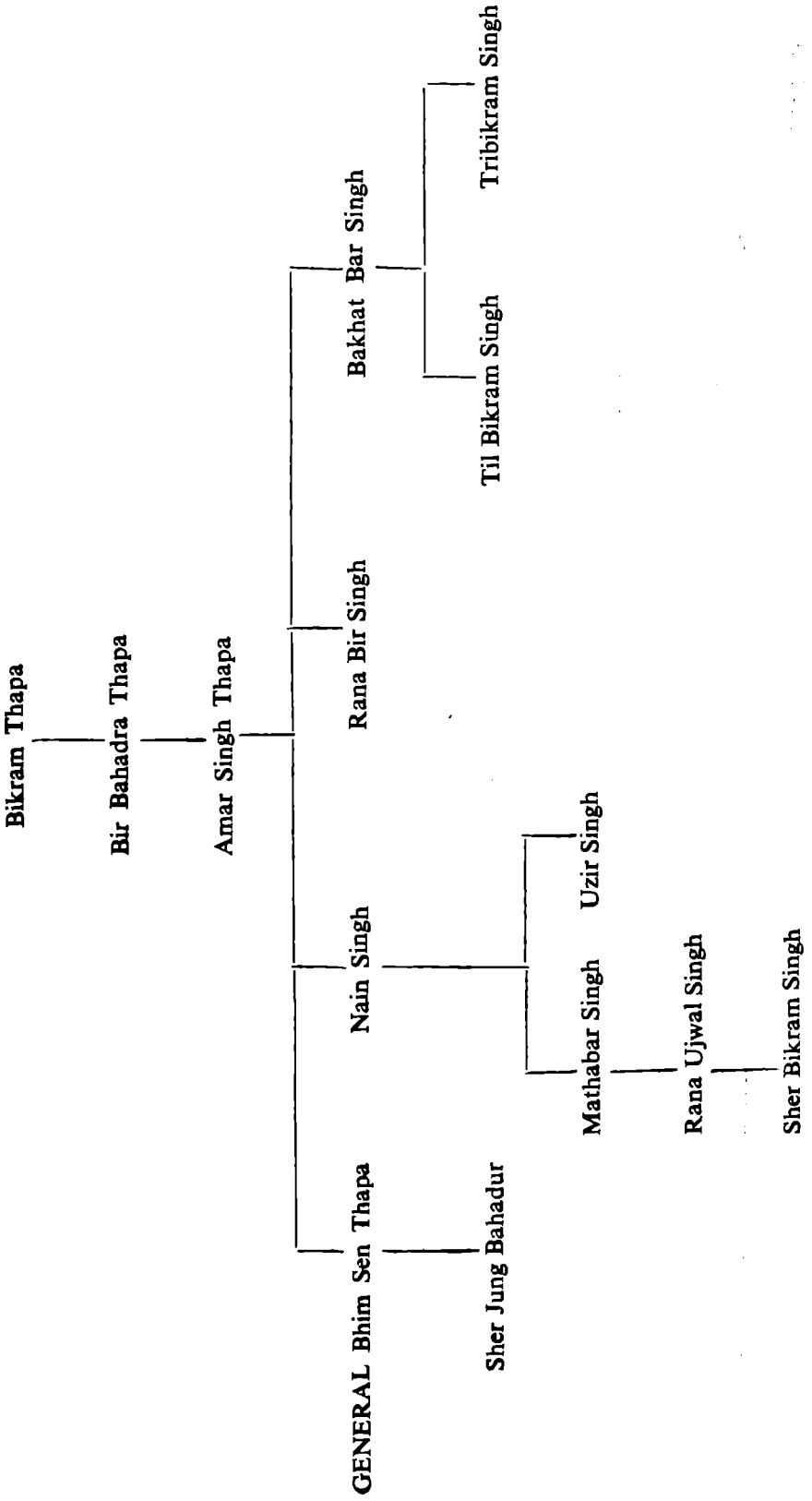
PANDE

RANA JANG





THAPA
BHIM SEN

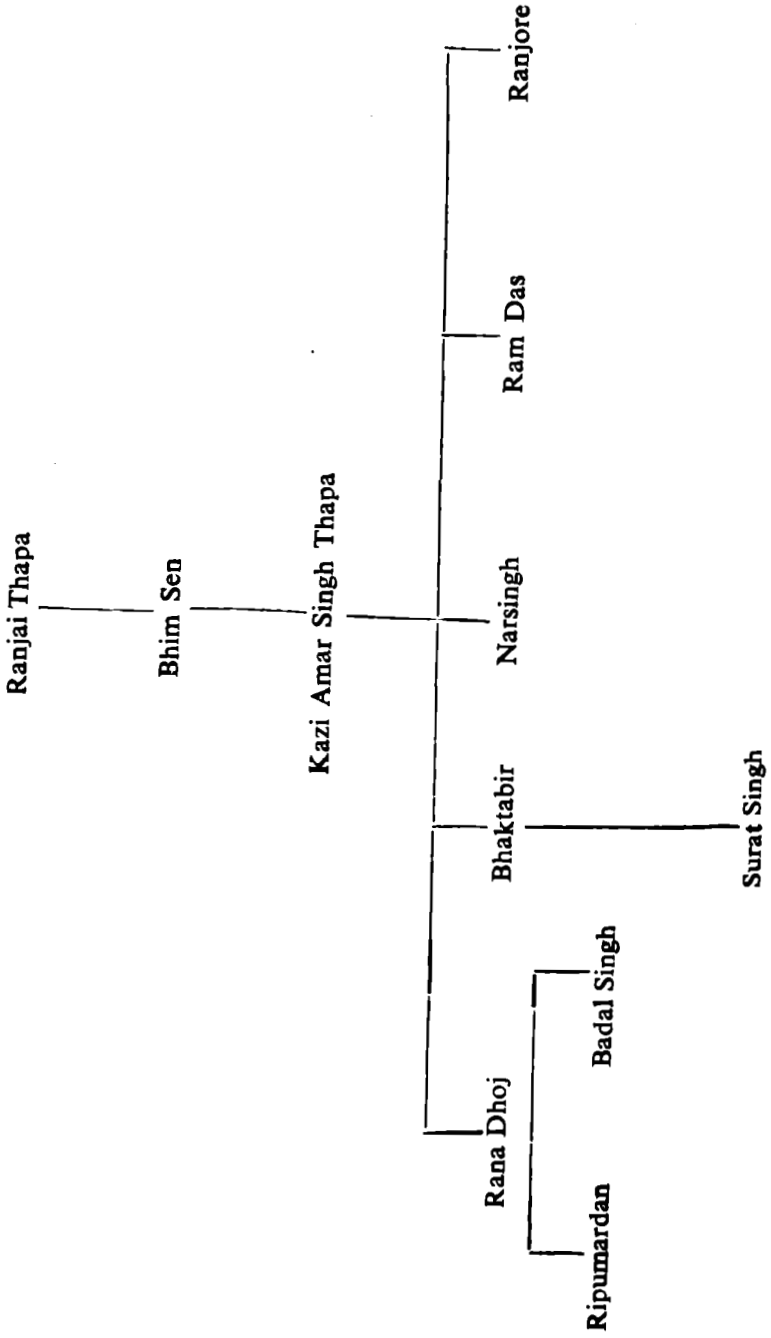


T H A P A
B H I M S E N

	1816	1817	1818	1819	1820	1821	1822	1823	1824	1825	1826	1827	1828	1829	1830	1831	1832	1833	1834	1835	1836	1837	1838	1839
General Bhim Sen Thapa	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G		
Rana Bir Singh Thapa	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	G	G	G		
Bakhat Bar Singh Thapa	K	K	K	K	K	K	K	K	K	K	K	K	K	K	K	K	K	K	K	K	K			
Sher Jung Bahadur										C	C	C	C	C	C	C	C	C	C	C	C	C		
Sher Bikram Singh																					C	C	C	
Tribikram Singh Thapa																			C	C				
Mathabar Singh Thapa	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	G	G	G	G	G		
Uzir Singh Thapa	C	C	C	C	C	C	C	C	C															
Til Bikram Singh Thapa																				K	K	K	K	
Rana Ujwal Singh Thapa																			C	C	C	C	C	C
Dal Banadur Thapa																			C	C	C	C	C	C

THAPA

KAZI AMAR SINGH



THAPA

KAZI AMAR SINGH

	1816	1817	1818	1819	1820	1821	1822	1823	1824	1825	1826	1827	1828	1829	1830	1831	1832	1833	1834	1835	1836	1837	1838	1839	
Kazi Amar Singh Thapa	K																								
Rana Dhoj Thapa	K	K	K	K	K	K	K	K	K	K	K	K	K	K	K	K									
Bhaktabir Thapa	C	C	C	K	K	K	K	K	K	K	K	K	K	K	K	K	K								
Narsingh Thapa			C	C	K	K	K	K	K	C	C	C	C	C	C	C	C	K	K	K	K	K	K	K	K
Ram Das Thapa																K	K	K	K						
Ranjore Thapa												K	K	K	K	K	K	K	K	K	K	K	K	K	K
Ripumardan Thapa			\$	\$	\$	\$	K	K	K	K	K	K	K	K	K	K	K	K	K	K					
Badal Singh Thapa															K	K	K								
Surat Singh Thapa																	K	K	C	C	C	C	C	C	C

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The Book:

War with the East India Company (1814—6) and the Treaty of Sagauli severely challenged Nepal. *The Silent Cry* tells the story of the people of Nepal in their struggle during the years that followed. Fr. Stiller calls these transition years the 'silent years' because historians have generally neglected them. However, *The Silent Cry* testifies eloquently to the impact of these 'silent years' on today's Nepal.

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